DOCUMENT RESUME

ED 348 612 CG 024 430

TITLE	Juvenile Justice and Delinquency Prevention Amendments of 1992. Report To Accompany H.R. 5194. Including Cost Estimate of the Congressional Budget Office. House of Representatives, 102d Congress, 2d Session.
INSTITUTION	Congress of the U.S., Washington, D.C. House Committee on Education and Labor.
REPORT NO	House-R-102-756
PUB DATE	92
NOTE	95p.
PUB TYPE	Legal/Legislative/Regulatory Materials (090)
EDRS PRICE	MF01/PC04 Plus Postage.
DESCRIPTORS	*Delinquency; Delinquent Rehabilitation; *Federal Legislation; *Federal Programs; *Youth Problems
IDENTIFIERS	Juvenile Justice Delinquency Prev Act Amend 1992

ABSTRACT

This document reports on the Juvenile Justice and Delinquency Prevention Amendments of 1992. The texts of the following amendments and provisions are presented: Title I-Amendments to the Juvenile Justice and Delinquency Prevention Act of 1974; Title II-Amendments to the Runaway and Homeless Youth Act; Title III-Amendment to the Missing Children's Assistance Act; Title IV-Amendment to the Child Abuse Prevention and Treatment Act; and Title V-General Provisions. The rest of the document is divided into the following sections: (1) a discussion of the background and need for legislation; (2) an explanation of the bill; (3) an oversight statement; (4) an inflationary impact statement; (5) oversight finding and recommendations of the Committee on Government Operations; (6) a Congressional Budget Office estimate of the cost of the legislation; (7) Committee Estimates; (8) a section-by-section analysis of the bill; (9) a section on the views of the Department of Health and Human Services; and (10) a report of the changes in existing law made by the bill with the changes shown in italic. (ABL)

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102D CONGRESS
2d Session

HOUSE OF REPRESENTATIVES

REPORT
102-756

JUVENILE JUSTICE AND DELINQUENCY PREVENTION AMENDMENTS OF 1992

JULY 29, 1992.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. FORD of Michigan, from the Committee on Education and Labor, submitted the following

REPORT

[To accompany H.R. 5194]

[Including cost estimate of the Congressional Budget Office]

The Committee on Education and Labor, to whom was referred the bill (H.R. 5194) to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to authorize appropriations for fiscal years 1993, 1994, 1995, and 1996, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Juvenile Justice and Delinquency Prevention Amendments of 1992".

TITLE I—AMENDMENTS TO THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974

SEC. 101. PURPOSE.

Section 102(b) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5602(b)) is amended—

(1) by striking "and (4)" and inserting "(4)", and

(2) by inserting before the period at the end the following:

59-006

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"; (5) to encourage parental involvement in treatment and alternative disposition programs; and (6) to provide for coordination of services between State, local, and community-based agencies and to promote interagency cooperation in providing such services".

SEC. 102. DEFINITIONS.

Section 103 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603) is amended—

(1) by amending paragraph (16) to read as follows:

"(16) the term 'valid court order' means a court order given by a juvenile court judge to a juvenile—

"(A) who was brought before the court and made subject to such order;

"(B) who received, before the issuance of such order, the full due process rights guaranteed to such juvenile by the Constitution of the United States;

"(C) with respect to whom an appropriate public agency (other than a court or law enforcement agency), before the issuance of such order—

"(i) reviewed the behavior of such juvenile and the circumstances under which such juvenile was brought before the court and made subject to such order;

"(ii) determined the reasons for the behavior that caused such juvenile to be brought before the court and made subject to such order;

"(iii) determined that all dispositions (including treatment), other than placement in a secure detention facility or a secure correctional facility, have been exhausted or are clearly inappropriate; and

"(iv) submitted to the court a written report stating the results of the review conducted under clause (i) and the determinations made under clauses (ii) and (iii);",

(2) in paragraph (17) by striking "and" at the end,

(3) in paragraph (18) by striking the period at the end and inserting a semicolon, and

(4) by adding at the end the following:

"(19) the term 'comprehensive and coordinated system of services' means a system that—

"(A) ensures that services and funding for the prevention and treatment of juvenile delinquency are consistent with policy goals of preserving families and providing appropriate services in the least restrictive environment so as to simultaneously protect juveniles and maintain public safety;

"(B) identifies, and intervenes early for the benefit of, young children who are at risk of developing emotional or behavioral problems because of physical or mental stress or abuse, and for the benefit of their families;

"(C) increases interagency collaboration and family involvement in the prevention and treatment of juvenile delinquency; and

"(D) encourages private and public partnerships in the delivery of services for the prevention and treatment of juvenile delinquency;

"(20) the term 'gender-specific services' means services designed to address needs unique to the gender of the individual to whom such services are provided;

"(21) the term 'hate crime' means an offense that manifests evidence of prejudice based on race, religion, sexual orientation, or ethnicity;

"(22) the term 'home-based alternative services' means services provided to a juvenile in the home of the juvenile as an alternative to incarcerating the juvenile, and includes home detention; and

"(23) the term 'jail or lockup for adults' means a locked facility that is used by a State, unit of local government, or any law enforcement authority to detain or confine adults—

"(i) pending the filing of a charge of violating a criminal law;

"(ii) awaiting trial on a criminal charge; or

"(iii) convicted of violating a criminal law.".

SEC. 103. ESTABLISHMENT OF OFFICE.

Section 201(b) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611(b)) is amended—

(1) in the first sentence by striking "in juvenile justice programs" and inserting "as practitioners in the field of juvenile justice", and

(2) by striking the last sentence and inserting the following:

"There shall be a direct reporting relationship between the Administrator and the Attorney General. In the performance of the functions of the Administrator, the Administrator shall be directly responsible to the Attorney General. The Attorney

General may not delegate any power, duty, or function vested under this title or title II in the Attorney General.".

SEC. 104. CONCENTRATION OF EFFORT.

(a) FUNCTIONS OF ADMINISTRATOR.—Section 204(a) the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5614(a)) is amended—

(1) in the first sentence—

(A) by inserting "(1)" after "(a)", and

(B) by striking "implement overall policy and develop objectives and priorities" and inserting "develop objectives, priorities, and a long-term plan, and implement overall policy and a strategy to carry out such plan,", and

(2) by adding at the end the following:

"(2)(A) Such plan shall—

"(i) contain specific goals and criteria for making grants and contracts, for conducting research, and for carrying out other activities under this title;

"(ii) provide for coordinating the administration programs and activities under this title with the administration of all other Federal juvenile delinquency programs and activities, including proposals for joint funding to be coordinated by the Administrator.

"(B) The Administrator shall review such plan annually, revise such plan as the Administrator considers appropriate, and publish such plan in the Federal Register—

"(i) not later than 240 days after the enactment of the Juvenile Justice and Delinquency Prevention Amendments of 1992, in the case of the initial plan required by paragraph (1); and

"(ii) except as provided in clause (i), in the 30-day period ending on October 1 of each year.".

(b) DUTIES.—Section 204(b) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5614(b)) is amended—

(1) in paragraph (5) by striking "and" at the end,

(2) in paragraph (6) by striking the period at the end and inserting "; and", and

(3) by adding at the end the following:

"(7) not later than 1 year after the date of the enactment of the Juvenile Justice and Delinquency Prevention Amendments of 1992, issue model standards for providing health care to incarcerated juveniles."

(c) REPEALER.—Section 204 the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5614) is amended by striking subsections (f) and (g).

SEC. 105. COORDINATING COUNCIL.

Section 206 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616) is amended—

(1) in subsection (a)—

(A) in paragraph (1) by striking "the Director of the Office of Community Services" and all that follows through the period, and inserting the following:

"the Administrator of the Office of Juvenile Justice and Delinquency Prevention, the Director of Drug Abuse Policy, the Director of the ACTION Agency, and individuals appointed under paragraph (2).", and

(B) by amending paragraph (2) to read as follows:

"(2)(A) Nine members shall be appointed, without regard to political affiliation, to the Council in accordance with this paragraph from among individuals who are practitioners in the field of juvenile justice and who are not officers or employees of the United States.

"(B)(i) Three members shall be appointed by the Speaker of the House of Representatives, after consultation with the minority leader of the House of Representatives.

"(ii) Three members shall be appointed by the majority leader of the Senate, after consultation with the minority leader of the Senate.

"(iii) Three members shall be appointed by the President.

"(C)(i) Of the members appointed under each of clauses (i), (ii), and (iii)—

"(I) 1 shall be appointed for a term of 1 year;

"(II) 1 shall be appointed for a term of 2 years; and

"(III) 1 shall be appointed for a term of 3 years;

as designated at the time of appointment.

"(ii) Except as provided in clause (iii), a vacancy arising during the term for which an appointment is made may be filled only for the remainder of such term.

"(iii) After the expiration of the term for which a member is appointed, such member may continue to serve until a successor is appointed.",

(2) in subsection (c)—

(A) by inserting "(1)" after "(c)",

(B) in the second sentence by inserting "shall examine how the separate programs can be coordinated among Federal, State, and local governments to better serve at-risk children and juveniles and" after "Council"

(C) by adding at the end there of the following:

"(2) In addition to performing their functions as members of the Council, the members appointed under subsection (a)(2) shall collectively—

"(A) make recommendations regarding the development of the objectives, priorities, and the long-term plan, and the implementation of overall policy and the strategy to carry out such plan, referred to in section 204(a)(1); and

"(B) not later than 180 days after the date of the enactment of the Juvenile Justice and Delinquency Prevention Act of 1992, submit such recommendations to the Administrator, the Chairman of the Committee on Education and Labor of the House of Representatives, and the Chairman of the Committee on the Judiciary of the Senate.", and

(3) in subsection (f)—

(A) by inserting after "(f)" the following:

"Members appointed under subsection (a)(2) shall serve without compensation.", and

(B) by striking "who are employed by the Federal Government full time".

SEC. 106. ANNUAL REPORT.

Section 207(1) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5617(1) is amended—

(1) in subparagraph (D)—

(A) by inserting "(including juveniles treated as adults for purposes of prosecution)" after "juveniles", and

(B) by striking "and" at the end,

(2) in subparagraph (E) by striking the period at the end and inserting "; and", and

(3) by adding at the end the following:

"(F) the educational status of juveniles, including information relating to learning disabilities, failing performance, grade retention, and dropping out of school.".

SEC. 107. ALLOCATION.

The first sentence of section 222(c) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5632(c)) is amended by striking "and evaluation" and inserting ", evaluation, and one full-time staff position".

SEC. 108. STATE PLAN.

(a) PLAN REQUIREMENTS.—Section 223(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)) is amended—

(1) in paragraph (3)(B) by inserting "recreation," after "special education,",

(2) in paragraph (8)(A) by inserting "(including educational needs)" after "delinquency prevention needs" each place it appears,

(3) in paragraph (9) by inserting "recreation," after "special education,"

(4) in paragraph (10)—

(A) in subparagraph (A) by inserting "(including home-based alternative services)" after "services" the first place it appears,

(B) by amending subparagraph (B) to read as follows:

"(B) community-based programs and services designed to work with—

"(i) parents and other family members to maintain and strengthen the family unit so that juveniles may be retained in their homes; and

"(ii) juveniles during their incarceration, and with their families, to ensure the safe return of such juveniles to their homes and to strengthen the family unit;"

(C) in subparagraph (C)—

(i) by striking "youth" the second and third places it appears and inserting "juveniles", and

(ii) by striking "delinquents" and inserting "delinquent juveniles",

(D) in subparagraph (D) by striking "youth" and inserting "juveniles",

(E) by amending subparagraph (E) to read as follows:

"(E) educational programs and supportive services designed—

"(i) to encourage delinquent juveniles and other juveniles to remain in elementary and secondary schools or in alternative learning situa-

tions, including programs to counsel delinquent juveniles and other juveniles regarding the opportunities that education provides; and

"(ii) enhance coordination with the local schools such juveniles would otherwise attend, to ensure that—

"(I) the instruction such juveniles receive outside such schools is closely aligned with the instruction provided in such schools; and

"(II) information regarding any learning problems identified in such alternative learning situations are communicated to such schools;",

(F) in subparagraph (F) by striking "youth" and inserting "juveniles",

(G) in subparagraph (G)—

(i) by striking "youth" each place it appears and inserting "juveniles", and

(ii) by inserting "(including juveniles with limited-English speaking ability)" before "who",

(H) in subparagraph (H)—

(i) in clause (iv) by inserting "(including home-based treatment programs)" after "facilities", and

(ii) in clause (v) by inserting before the semicolon at the end the following:

", with special emphasis on involving parents with limited English-speaking ability, particularly in areas where there is a large population of families with limited-English speaking ability",

(I) in subparagraph (I) by striking "learning disabled and other handicapped juveniles" and inserting "juveniles who are learning disabled or otherwise handicapped or who have educational problems",

(J) in subparagraph (K) by striking "and" at the end,

(K) by adding at the end the following:

"(M) programs (including referral to literacy programs and social service programs) to assist families with limited English-speaking ability that include delinquent juveniles to overcome language and cultural barriers that may prevent the complete treatment of such juveniles and the preservation of the family unit; and

"(N) programs designed to prevent and reduce hate crimes committed by juveniles, including educational programs and sentencing programs designed specifically for juveniles who commit hate crimes and that provide alternatives to incarceration;",

(5) in paragraph (12)(B)(i) by striking "child" and inserting "juvenile",

(6) in paragraph (13)—

(A) by striking "youths" and inserting "juveniles",

(B) by striking "regular", and

(C) by inserting before the semicolon at the end "or with the part-time or full-time security staff (including management) or direct-care staff of a jail or lockup for adults",

(7) by amending paragraph (14) to read as follows:

"(14) provide that no juvenile shall be detained or confined in any jail or lockup for adults;",

(8) in paragraph (17)—

(A) by striking "and other youth" and inserting "juveniles and other juveniles",

(B) by striking ". Such" and inserting "(such", and

(C) by inserting before the semicolon the following:

"and should include providing family counseling during the incarceration of juvenile family members and coordination of family services when appropriate and feasible)",

(9) in paragraph (19) by striking "this Act" each place it appears and inserting "this title",

(10) by redesignating paragraph (24) as paragraph (28),

(11) in paragraph (23) by striking "and" at the end,

(12) by redesignating paragraphs (9) through (23) as paragraphs (12) through (26), respectively,

(13) by inserting after paragraph (8) the following:

"(9) contain—

"(A) an analysis of gender-specific services for the prevention and treatment of juvenile delinquency, including the types of such services available and the need for such services for females; and

"(B) a plan for providing needed gender-specific services for the prevention and treatment of juvenile delinquency;

"(10) contain—

"(A) an analysis of services for the prevention and treatment of juvenile delinquency in rural areas, including the need for such services, the types of such services available in rural areas, and geographically unique barriers to providing such services; and

"(B) a plan for providing needed services for the prevention and treatment of juvenile delinquency in rural areas;

"(11) contain—

"(A) an analysis of mental health services available to juveniles in the juvenile justice system (including an assessment of the appropriateness of the particular placements of juveniles in order to receive such services) and of barriers to access to such services; and

"(B) a plan for providing needed mental health services to juveniles in the juvenile justice system;", and

(14) by inserting after paragraph (26), as so redesignated, the following:

"(27) provide an assurance that if the State receives under section 222 for any fiscal year an amount that exceeds 105 percent of the amount the State received under such section for fiscal year 1992, all of such excess shall be expended through or for programs that are part of a comprehensive and coordinated community system of services; and".

(b) APPROVAL OF PLAN; REDUCTION OR TERMINATION OF FUNDS.—Section 223(c) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(c)) is amended to read as follows:

"(c)(1) Subject to paragraph (2), the Administrator shall approve any State plan, and any modification thereof, that meets the requirements of this section.

"(2) If a State fails to comply with the requirements of paragraph (12)(A), (13), (14), or (23) in any fiscal year beginning after January 1, 1993, then—

"(A) subject to subparagraph (B), the amount allotted under section 222 to the State for such fiscal year shall be reduced by 25 percent for each such paragraph with respect to which noncompliance occurs; and

"(B) the State shall be ineligible to receive any allotment under such section for such fiscal year unless—

"(i) the State agrees to expend all the remaining funds the State receives under this part (excluding funds required to be expended to comply with subsections (c) and (d) of section 222 and with section 223(a)(5)(C)) for such fiscal year only to achieve compliance with any such paragraph with respect to which the State is in noncompliance; or

"(ii) the Administrator determines, in the discretion of the Administrator, that the State has—

"(I) achieved substantial compliance with each such paragraph with respect to which the State is in noncompliance; and

"(II) made, through appropriate executive or legislative action, an unequivocal commitment to achieving full compliance within a reasonable time.".

(c) LACK OF APPROVED STATE PLAN.—Section 223(d) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(d)) is amended—

(1) in the first sentence—

(A) by inserting ", excluding funds the Administrator shall make available to satisfy the requirement specified in section 222(d)," after "section 222(a)", and

(B) by striking "the purposes of subsection (a)(12)(A), subsection (a)(13), or subsection (a)(14)" and inserting "activities of the kinds described in paragraphs (12)(A), (13), (14), and (23) of subsection (a)", and

(2) in the last sentence by striking "under subsection" and all that follows through "subsection (a)(13)", and inserting the following: "of paragraphs (12)(A), (13), (14), and (23)".

SEC. 109. INFORMATION FUNCTION.

Section 242(3) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5652(3)) is amended by inserting "(including drug and alcohol programs and gender-specific programs)" after "treatment programs".

SEC. 110. RESEARCH, DEMONSTRATION, AND EVALUATION FUNCTIONS.

Section 243 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5663) is amended—

(1) by striking "The" and inserting "(a) The",

(2) in paragraph (8) by striking "and" at the end,

(3) in paragraph (9) by striking the period at the end and inserting a semicolon, and

(4) by adding at the end the following:

"(10) support research related to achieving a better understanding of the commission of hate crimes by juveniles and designed to identify educational programs best suited to prevent and reduce the incidence of hate crimes committed by juveniles; and

"(11) routinely collect, analyze, compile, publish, and disseminate uniform national statistics concerning—

"(A) all aspects of juveniles as victims and offenders;

"(B) the processing and treatment, in the juvenile justice system, of juveniles who are status offenders, delinquent, neglected, or abused; and

"(C) the processing and treatment of such juveniles who are treated as adults for purposes of the criminal justice system.

"(b) The Administrator shall make available to the public—

"(1) the results of evaluations and research and demonstration activities referred to in subsection (a)(6); and

"(2) the data and studies referred to in subsection (a)(7);

that the Administrator is authorized to disseminate under subsection (a).".

SEC. 111. TECHNICAL ASSISTANCE AND TRAINING FUNCTIONS.

Section 244 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5654) is amended—

(1) in paragraph (2) by inserting "(including juveniles who commit hate crimes)" after "offenders",

(2) in paragraph (3) by striking "and" at the end,

(3) in paragraph (4) by striking the period at the end and inserting "; and", and

(4) by adding at the end the following:

"(5) provide technical assistance and training to assist States and units of general local government to adopt the model standards issued under section 204(b)(7).".

SEC. 112. ESTABLISHMENT OF TRAINING PROGRAM.

The first sentence of section 245 is amended by inserting before the period at the end the following: ", including methods and techniques specifically designed to prevent and reduce the incidence of hate crimes committed by juveniles".

SEC. 113. CURRICULUM FOR TRAINING PROGRAM.

Section 246 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5660) is amended by inserting before the period at the end the following: "and shall include training designed to prevent juveniles from committing hate crimes".

SEC. 114. SPECIAL STUDIES AND REPORTS.

Section 248 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5662) is amended by adding at the end the following:

"(d)(1) Not later than 180 days after the date of the enactment of the Juvenile Justice and Delinquency Prevention Amendments of 1992, the Administrator shall begin to conduct a study of the incidence of violence committed by or against juveniles in urban and rural areas in the United States.

"(2) Such areas shall include—

"(A) the District of Columbia;

"(B) Los Angeles, California;

"(C) Milwaukee, Wisconsin; and

"(D) such other cities as the Administrator determines to be appropriate.

"(3) With respect to each area included in the study, the objectives of the study shall be—

"(A) to identify characteristics and patterns of behavior of juveniles who are at risk of becoming violent or victims of homicide;

"(B) to identify factors particularly indigenous to such area that contribute to violence committed by or against juveniles;

"(C) to determine the accessibility of firearms and the use of firearms by or against juveniles;

"(D) to determine the conditions that cause any increase in violence committed by or against juveniles;

"(E) to identify existing and new diversion, prevention, and control programs to ameliorate such conditions;

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"(F) to improve current systems to prevent and control violence by or against juveniles; and

"(G) to develop a plan to assist State and local governments to establish viable ways to reduce homicide committed by or against juveniles.

"(4) Not later than 3 years after the date of the enactment of the Juvenile Justice and Delinquency Prevention Amendments of 1992, the Administrator shall submit a report, to the Chairman of the Committee on Education and Labor of the House of Representatives and the Chairman of the Committee on the Judiciary of the Senate, detailing the results of the study addressing each objective specified in paragraph (3).

"(e)(1) Not later than 1 year after the date of the enactment of the Juvenile Justice and Delinquency Prevention Amendments of 1992, the Administrator shall—

"(A) conduct a study described in paragraph (2), using data available from Federal, State, and local enforcement agencies, and

"(B) submit to the chairman of the Committee on Education and Labor of the House of Representatives and the chairman of the Committee on the Judiciary of the Senate the results of such study.

"(2) Such study shall assess—

"(A) the characteristics of juveniles who commit hate crimes, and to prepare a profile of such juveniles, based on—

"(i) the types of hate crimes committed;

"(ii) their motives for committing hate crimes;

"(iii) the extent to which such juveniles were influenced by publications and organized groups intended to encourage the commission of hate crimes; and

"(iv) the impact of their race, ethnic background, sex, age, neighborhood, and family income on such juveniles;

"(B) the characteristics of hate crimes committed by juveniles, including—

"(i) the types of such crimes;

"(ii) the number of individuals who participated with juveniles in committing such crimes;

"(iii) the types of law enforcement investigations conducted with respect to such crimes;

"(iv) the law enforcement proceedings commenced against juveniles for committing hate crimes; and

"(v) the penalties imposed on such juveniles as a result of such proceedings; and

"(C) the characteristic of the victims of hate crimes committed by juveniles, including—

"(i) a profile of such victims; and

"(ii) the frequency with which institutions and individuals, separately determined, were the targets of such crimes.".

SEC. 115. SPECIAL EMPHASIS PREVENTION AND TREATMENT PROGRAMS.

Section 261 Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5665) is amended—

(1) in subsection (a)—

(A) by striking "(a) The" and inserting "(a) Except as provided in subsection (f), the",

(B) in paragraph (1) by inserting "(including home-based treatment programs)" after "alternatives",

(C) in paragraph (4)—

(i) by inserting "(including self-help programs for parents)" after "programs", and

(ii) by inserting before the period at the end the following:

", including programs that work with families during the incarceration of juvenile family members and which take into consideration the special needs of families with limited-English speaking ability",

(D) in paragraph (6)—

(i) in subparagraph (C) by striking the period at the end and inserting a semicolon, and

(ii) by adding at the end the following:

"that targets juveniles who have had contact with the juvenile justice system or who are likely to have contact with such system.", and

(E) by adding at the end the following:

"(8) Establishing or supporting programs designed to prevent and to reduce the incidence of hate crimes committed by juveniles, including—

"(A) model educational programs that are designed to reduce the incidence of hate crimes by means such as—

"(i) addressing the specific prejudicial attitude of each offender;

"(ii) developing an awareness in such offender, of the effect of the hate crime on the victim; and

"(iii) educating such offender about the importance of tolerance in our society; and

"(B) sentencing programs that are designed specifically for juveniles who commit hate crimes and that provide alternatives to incarceration.",

(2) in subsection (b)—

(A) by striking "(b) The" and inserting "(b) Except as provided in subsection (f), the", and

(B) in paragraph (2) by inserting "to assist in identifying learning difficulties (including learning disabilities)," after "schools,", and

(3) by adding at the end the following:

"(f) The Administrator shall not make a grant or a contract under subsection (a) or (b) to the Department of Justice or to any administrative unit or other entity that is part of the Department of Justice.".

SEC. 116. CONSIDERATIONS FOR APPROVAL OF APPLICATIONS.

(i) Section 262(d)(1) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5665a(d)(1)) is amended—

(1) by amending subparagraph (B) to read as follows:

"(B) The competitive process described in subparagraph (A) shall not apply to programs to be carried out in areas with respect to which the President declares under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) that a major disaster or emergency exists.", and

(2) by striking subparagraph (C).

SEC. 117. GANG-FREE SCHOOLS AND COMMUNITIES; COMMUNITY-BASED GANG INTERVENTION.

Part D of title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5667-5667a) is amended to read as follows:

"PART D—GANG-FREE SCHOOLS AND COMMUNITIES; COMMUNITY-BASED GANG INTERVENTION

"Subpart I—Gang-Free Schools and Communities

"AUTHORITY TO MAKE GRANTS AND CONTRACTS

"SEC. 281. (a) The Administrator shall make grants to or enter into contracts with public agencies (including local educational agencies) and private nonprofit agencies, organizations, and institutions to establish and support programs and activities that involve families and communities and that are designed to carry out any of the following purposes:

"(1) To prevent and to reduce the participation of juveniles in the activities of gangs that commit crimes. Such programs and activities may include—

"(A) individual, peer, family, and group counseling, including the provision of life skills training and preparation for living independently;

"(B) education and social services designed to address the social and developmental needs of juveniles which such juveniles would otherwise seek to have met through membership in gangs;

"(C) the organization of neighborhood and community groups to work closely with parents, schools, law enforcement, and other public and private agencies in the community; and

"(D) training and assistance to adults who have significant relationships with juveniles who are or may become members of gangs, to assist such adults in providing constructive alternatives to participating in the activities of gangs.

"(2) To develop within the juvenile adjudicatory and correctional systems new and innovative means to address the problems of juveniles convicted of serious drug-related and gang-related offenses.

"(3) To provide treatment to juveniles who are members of such gangs, including members who are accused of committing a serious crime and members who have been adjudicated as being delinquent.

"(4) To promote the involvement of juveniles in lawful activities in geographical areas in which gangs commit crimes.

"(5) To promote and support, with the cooperation of community-based organizations experienced in providing services to juveniles engaged in gang-related activities and the cooperation of local law enforcement agencies, the development of policies and activities in public elementary and secondary schools which will assist such schools in maintaining a safe environment conducive to learning.

"(6) To assist juveniles who are or may become members of gangs to obtain appropriate educational instruction, in or outside a regular school program, including the provision of counseling and other services to promote and support the continued participation of such juveniles in such instructional programs.

"(7) To expand the availability of prevention and treatment services relating to the illegal use of controlled substances and controlled substances analogues (as defined in paragraphs (6) and (32) of section 102 of the Controlled Substances Act (21 U.S.C. 802) by juveniles, provided through State and local health and social services agencies.

"(8) To provide services to prevent juveniles from coming into contact with the juvenile justice system again as a result of gang-related activity.

"(9) To support activities to inform juveniles of the availability of treatment and services for which financial assistance is available under this subpart.

"(b) From not more than 15 percent of the amount appropriated to carry out this part in each fiscal year, the Administrator may make grants to and enter into contracts with public agencies and private nonprofit agencies, organizations, and institutions—

"(1) to conduct research on issues related to juvenile gangs;

"(2) to evaluate the effectiveness of programs and activities funded under subsection (a); and

"(3) to increase the knowledge of the public (including public and private agencies that operate or desire to operate gang prevention and intervention programs) by disseminating information on research and on effective programs and activities funded under this subpart.

"APPROVAL OF APPLICATIONS

"SEC. 282. (a) Any agency, organization, or institution desiring to receive a grant, or to enter into a contract, under this subpart shall submit an application at such time, in such manner, and containing such information as the Administrator may prescribe.

"(b) In accordance with guidelines established by the Administrator, each application submitted under subsection (a) shall—

"(1) set forth a program or activity for carrying out one or more of the purposes specified in section 281 and specifically identify each such purpose such program or activity is designed to carry out;

"(2) provide that such program or activity shall be administered by or under the supervision of the applicant;

"(3) provide for the proper and efficient administration of such program or activity;

"(4) provide for regular evaluation of such program or activity;

"(5) provide an assurance that the proposed program or activity will supplement, not supplant, similar programs and activities already available in the community;

"(6) describe how such program or activity is coordinated with programs, activities, and services available locally under parts B or C of this title, and under chapter 1 of subtitle B of title III of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11801–11805);

"(7) certify that the applicant has requested the State planning agency to review and comment on such application and summarizes the responses of such State planning agency to such request;

"(8) provide that regular reports on such program or activity shall be sent to the Administrator and to such State planning agency; and

"(9) provide for such fiscal control and fund accounting procedures as may be necessary to ensure prudent use, proper disbursement, and accurate accounting of funds received under this subpart.

"(c) In reviewing applications for grants and contracts under section 281(a), the Administrator shall give priority to applications—

"(1) submitted by, or substantially involving, local educational agencies (as defined in section 1471 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891));

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"(2) based on the incidence and severity of crimes committed by gangs whose membership is composed primarily of juveniles in the geographical area in which the applicants propose to carry out the programs and activities for which such grants and contracts are requested; and

"(3) for assistance for programs and activities that—

"(A) are broadly supported by public and private nonprofit agencies, organizations, and institutions located in such geographical area; and

"(B) will substantially involve the families of juvenile gang members in carrying out such programs or activities.

"Subpart II—Community-Based Gang Intervention

"SEC. 285. (a) The Administrator shall make grants to or enter into contracts with public and private nonprofit agencies, organizations, and institutions to carry out programs and activities —

"(1) to reduce the participation of juveniles in the illegal activities of gangs;

"(2) to develop regional task forces involving State, local, and community-based organizations to coordinate enforcement, intervention, and treatment efforts for juvenile gang members and to curtail interstate activities of gangs; and

"(3) to facilitate coordination and cooperation among—

"(A) local education, juvenile justice, employment, and social service agencies; and

"(B) community-based programs with a proven record of effectively providing intervention services to juvenile gang members for the purpose of reducing the participation of juveniles in illegal gang activities.

"(b) Programs and activities for which grants and contracts are be made under subsection (a) may include—

"(1) developing within the juvenile adjudicatory and correctional systems new and innovative means to address the problems of juveniles convicted of serious drug-related and gang-related offenses.

"(2) providing treatment to juveniles who are members of such gangs, including members who are accused of committing a serious crime and members who have been adjudicated as being delinquent.

"(3) promoting the involvement of juveniles in lawful activities in geographical areas in which gangs commit crimes.

"(4) expanding the availability of prevention and treatment services relating to the illegal use of controlled substances and controlled substances analogues (as defined in paragraphs (6) and (32) of section 102 of the Controlled Substances Act (21 U.S.C. 802) by juveniles, provided through State and local health and social services agencies.

"(5) providing services to prevent juveniles from coming into contact with the juvenile justice system again as a result of gang-related activity; or

"(6) supporting activities to inform juveniles of the availability of treatment and services for which financial assistance is available under this subpart.

"APPROVAL OF APPLICATIONS

"SEC. 286. (a) Any agency, organization, or institution desiring to receive a grant, or to enter into a contract, under this subpart shall submit an application at such time, in such manner, and containing such information as the Administrator may prescribe.

"(b) In accordance with guidelines established by the Administrator, each application submitted under subsection (a) shall—

"(1) set forth a program or activity for carrying out one or more of the purposes specified in section 285 and specifically identify each such purpose such program or activity is designed to carry out;

"(2) provide that such program or activity shall be administered by or under the supervision of the applicant;

"(3) provide for the proper and efficient administration of such program or activity;

"(4) provide for regular evaluation of such program or activity;

"(5) provide an assurance that the proposed program or activity will supplement, not supplant, similar programs and activities already available in the community;

"(6) describe how such program or activity is coordinated with programs, activities, and services available locally under parts B or C of this title, and under chapter 1 of subtitle B of title III of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11801-11805);

"(7) certify that the applicant has requested the State planning agency to review and comment on such application and summarizes the responses of such State planning agency to such request;

"(8) provide that regular reports on such program or activity shall be sent to the Administrator and to such State planning agency; and

"(9) provide for such fiscal control and fund accounting procedures as may be necessary to ensure prudent use, proper disbursement, and accurate accounting of funds received under this subpart.

"(c) In reviewing applications for grants and contracts under section 285(a), the Administrator shall give priority to applications—

"(1) submitted by, or substantially involving, community-based organizations experienced in providing services to juveniles;

"(2) based on the incidence and severity of crimes committed by gangs whose membership is composed primarily of juveniles in the geographical area in which the applicants propose to carry out the programs and activities for which such grants and contracts are requested; and

"(3) for assistance for programs and activities that—

"(A) are broadly supported by public and private nonprofit agencies, organizations, and institutions located in such geographical area; and

"(B) will substantially involve the families of juvenile gang members in carrying out such programs or activities.

"Subpart III—General Provisions

"DEFINITION

"SEC. 288. For purposes of this part, the term 'juvenile' means an individual who is less than 22 years of age.".

SEC. 118. AUTHORIZATION OF APPROPRIATIONS.

(a) GENERAL AUTHORIZATION.—The first sentence of section 291(a)(1) the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671(a)(1)) is amended to read as follows:

"There are authorized to be appropriated to carry out this title (other than part D) $150,000,000 for fiscal year 1993 and such sums as may be necessary for fiscal years 1994, 1995, and 1996.".

(b) PART D AUTHORIZATION.—Section 291(a)(2)(A) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671(a)(2)(A)) is amended to read as follows:

"(A)(i) Subject to subparagraph (B), there are authorized to be appropriated $25,000,000 for fiscal year 1993 and such sums as may be necessary for fiscal years 1994, 1995, and 1996 to carry out subpart I of part D.

"(ii) Subject to subparagraph (B), there are authorized to be appropriated $25,000,000 for fiscal year 1993 and such sums as may be necessary for fiscal years 1994, 1995, and 1996 to carry out subpart II of part D.".

TITLE II—AMENDMENTS TO THE RUNAWAY AND HOMELESS YOUTH ACT

SEC. 201. FINDINGS.

Section 302 of the Runaway and Homeless Youth Act (42 U.S.C. 5701) is amended—

(1) by amending paragraph (1) to read as follows:

"(1) juveniles who leave and remain away from home without parental permission, are at risk of developing serious health and other problems because they lack sufficient resources to obtain care and may live on the street for extended periods thereby endangering themselves and creating a substantial law enforcement problem for communities in which they congregate;",

(2) in paragraph (4) by striking "and" at the end,

(3) in paragraph (5) by striking "temporary" and all that follows through the period at the end, and inserting "care (including preventive services, emergency shelter services, and extended residential shelter) outside the welfare system and the law enforcement system;"

(4) by adding at the end the following:

"(6) runaway and homeless youth have a disproportionate share of health, behavioral, and emotional problems compared to the general population of youth, but have less access to health care and other appropriate services;

"(7) early intervention services (such as home-based services) are needed to prevent runaway and homeless youth from becoming involved in the juvenile justice system and other law enforcement systems; and

"(8) street-based services that target runaway and homeless youth where they congregate are needed to reach youth who require assistance but who would not otherwise avail themselves of such assistance or services without street-based outreach.".

SEC. 202. AUTHORITY TO MAKE GRANTS.

(a) AUTHORITY.—Section 311(a) of the Runaway and Homeless Youth Act (42 U.S.C. 5711(a)) is amended by striking "structure and" and inserting "system, the child welfare system, the mental health system, and".

(b) ALLOTMENT OF FUNDS.—Section 311(b) of the Runaway and Homeless Youth Act (42 U.S.C. 5711(b)) is amended—

(1) in paragraph (2)—

(A) by striking "$75,000" and inserting "$100,000", and

(B) by striking "$30,000" and inserting "$45,000", and

(2) in paragraph (3) by striking "1988" each place it appears and inserting "1992".

(c) STREET-BASED SERVICES; HOME-BASED SERVICES.—Section 311 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633) is amended by striking subsection (c) and inserting the following:

"(c)(1) If for a fiscal year the amount appropriated under section 385(a)(1) exceeds $50,000,000, then the Secretary may make grants under this subsection for such fiscal year to entities that receive grants under subsection (a), to establish and operate street-based service projects for runaway and homeless youth on the street.

"(2) For purposes of this part—

"(A) the term 'runaway and homeless youth on the street' means an individual who—

"(i) is less than 22 years of age; and

"(ii) may obtain the means of survival by engaging in unlawful activity in a public place;

"(B) the term 'street-based service project' means a project that—

"(i) provides staff (including volunteers) to frequent public places in which runaway and homeless youth on the street congregate, for purposes of identifying, contacting, and establishing relationships with such youth;

"(ii) assesses the problems and service needs of runaway and homeless youth on the street contacted, and refers such youth to agencies and organizations that provide needed services;

"(iii) provides street-based crisis intervention and counseling to runaway and homeless youth on the street, or refers such youth to providers of needed crisis intervention services; and

"(iv) provides health education and disease prevention services to runaway and homeless youth on the street.

"(d)(1) If for a fiscal year the amount appropriated under section 385(a)(1) exceeds $50,000,000, then the Secretary may make grants for such fiscal year to entities that receive grants under subsection (a), to establish and operate home-based service projects for families that are separated, or at risk of separation, as a result of the physical absence of a runaway youth or youth at risk of family separation.

"(2) For purposes of this part—

"(A) the term 'home-based service project' means a project that provides—

"(i) case management; and

"(ii) in the family residence (to the maximum extent practicable)—

"(I) intensive, time-limited, family and individual counseling;

"(II) training relating to life skills and parenting; and

"(III) other services;

designed to prevent youth from running away from their families or to cause runaway youth or to return to their families;

"(B) the term 'youth at risk of family separation' means an individual—

"(i) who is less than 18 years of age;

"(ii) who has a history of running away from the family of such individual;

"(iii) whose parent, guardian, or custodian is not willing to provide for the basic needs of such individual; and

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"(iv) who is at risk of entering the child welfare system or juvenile justice system, as a result of the lack of services available to the family to meet such needs; and

"(C) the term 'time-limited' means for a period not to exceed 6 months.".

SEC. 203. ELIGIBILITY.

(a) APPLICANTS.—Section 312(a) of the Runaway and Homeless Youth Act (42 U.S.C. 5712(a)) is amended by inserting "(including a host family home)" after "facility".

(b) PLAN REQUIREMENTS.—Section 312(b) of the Runaway and Homeless Youth Act (42 U.S.C. 5712(b)) is amended—

(1) by amending paragraph (2) to read as follows:

"(2) shall use such assistance to establish, to strengthen, or to fund a runaway and homeless youth center, or a locally controlled facility providing temporary shelter, that has—

"(A) a maximum capacity of not more than 25 youth; and

"(B) a ratio of staff to youth that is sufficient to ensure adequate supervision and treatment;",

(2) in paragraph (3)—

(A) by striking "child's parents or relatives and assuring" and inserting "parents or other relatives of the youth and ensuring", and

(B) by striking "child" each place it appears and inserting "youth",

(3) by amending paragraph (4) to read as follows:

"(4) shall develop an adequate plan for ensuring—

"(A) proper relations with law enforcement personnel, social service personnel, health care personnel, school system personnel, and welfare personnel;

"(B) coordination with personnel of the schools to which runaway and homeless youth will return, to assist such youth to stay current with the curricula of such schools; and

"(C) the return of runaway and homeless youth from correctional institutions;",

(4) in paragraph (5)—

(A) by striking "aftercare" and all that follows through "assuring", and inserting "providing counseling and aftercare services to such youth, for encouraging the involvement of their parents or legal guardians in counseling, and for ensuring", and

(B) by striking "children" and inserting "youth",

(5) in paragraph (6) by striking "children and family members which it serves" and inserting "youth and family members whom it serves (including youth who are not referred to out-of-home shelter services)",

(6) by redesignating paragraphs (6) through (10) as paragraphs (7) through (11), respectively, and

(7) by inserting after paragraph (5) the following:

"(6) shall develop an adequate plan for establishing outreach programs designed to attract individuals (including individuals who are members of a cultural minority and individuals with limited English-speaking ability) who are eligible to receive services for which a grant under subsection (a) may be expended;".

(c) STREET-BASED SERVICES; HOME-BASED SERVICES.—Section 312 of the Runaway and Homeless Youth Act (42 U.S.C. 5712) is amended adding at the end the following:

"(c) To be eligible for assistance under section 311(c), an applicant shall propose to establish, strengthen, or fund a street-based service project for runaway and homeless youth on the street and shall submit to the Secretary a plan in which such applicant agrees, as part of such project—

"(1) to provide qualified supervision of staff, including on-street supervision;

"(2) backup personnel for on-street staff;

"(3) to provide informational and health educational material to runaway and homeless youth on the street in need of services;

"(4) to provide initial and periodic training of staff who provide services under such project;

"(5) to carry out outreach activities for runaway and homeless youth on the street and to collect statistical information on runaway and homeless youth on the street contacted through such activities;

"(6) to develop referral relationships with agencies and organizations that provide services or assistance to runaway and homeless youth on the street, in-

cluding law enforcement, education, social services, vocational education and training, public welfare, legal assistance, and health care;

"(7) to submit to the Secretary an annual report that includes information regarding the activities carried out with funds received under section 311(c), the achievements of the project under section 311(c) carried out by the applicant, and statistical summaries describing the number and the characteristics of the runaway and homeless youth on the street who participate in such project in the year for which the report is submitted;

"(8) to implement such accounting procedures and fiscal control devices as the Secretary may require;

"(9) to submit to the Secretary an annual budget that estimates the itemized costs to be incurred in the year for which the applicant requests a grant under this subsection 311(c);

"(10) to keep adequate statistical records that profile runaway and homeless youth on the street whom it serves and not to disclose the identity such youth in reports or other documents based on such statistical records;

"(11) not to disclose records maintained on individual runaway and homeless youth on the street without the informed consent of the individual youth, to anyone other than an agency compiling statistical records; and

"(12) to provide to the Secretary such other information as the Secretary may reasonably require.

"(d) To be eligible for assistance under section 311(d), an applicant shall propose to establish, strengthen, or fund a home-based service project for runaway youth or youth at risk of family separation and shall submit to the Secretary a plan in which such applicant agrees, as part of such project —

"(1) to provide counseling and information services needed by runaway youth, youth at risk of family separation, and the family (including unrelated individuals in the family household) of such youth, including services relating to basic life skills, interpersonal skill building, educational advancement, job attainment skills, mental and physical health care, parent training, financial planning, and referral to sources of other needed services;

"(2) to provide directly, or through an arrangement made by the applicant, 24-hour service to respond to family crises (including immediate access to temporary shelter for runaway youth and youth at risk of family separation affected by family crises); and

"(3) to establish in partnership with the families of runaway youth and youth at risk of family separation, objectives and measures of success to be achieved as a result of participating in such project;

"(4) to provide informational and health educational material to runaway youth and youth at risk of family separation in need of services;

"(5) to provide initial and periodic training of staff who provide services under such project;

"(6) to carry out outreach activities for runaway youth and youth at risk of family separation, and to collect statistical information on runaway youth and youth at risk of family separation contacted through such activities;

"(7) to ensure that—

"(i) caseloads will remain sufficiently low to allow for intensive (5 to 20 hours per week) involvement with each family participating in such project; and

"(ii) qualified supervision will be provided to staff who provide services under such project;

"(8) to submit to the Secretary an annual report that includes information regarding the activities carried out with funds under section 311(d), the achievements of the project under this part carried out by the applicant and statistical summaries describing the number and the characteristics of the runaway youth and youth at risk of family separation who participate in such project in the year for which the report is submitted;

"(9) to implement such accounting procedures and fiscal control devices as the Secretary may require;

"(10) to submit to the Secretary an annual budget that estimates the itemized costs to be incurred in the year for which the applicant requests a grant under section 311(d);

"(11) to keep adequate statistical records that profile runaway youth and youth at risk of family separation whom it serves and not to disclose the identity of such youth in reports or other documents based on such statistical records;

"(12) not to disclose records maintained on individual runaway youth or youth at risk of family separation without the informed consent of the individual youth, to anyone other than an agency compiling statistical records; and

"(13) to provide to the Secretary such other information as the Secretary may reasonably require.".

SEC. 204. APPROVAL OF SECRETARY.

Section 316 of the Runaway and Homeless Youth Act (42 U.S.C. 5712a) is amended—

(1) in the first sentence—

(A) by striking "section 311(a)" the first place it appears and inserting "subsection (a), (c), or (d) of section 311", and

(B) by striking "section 311(a)" the last place it appears and inserting "such subsection", and

(2) by striking "$150,000" and inserting "$200,000".

SEC. 205. GRANTS TO PRIVATE ENTITIES; STAFFING.

Section 317 of the Runaway and Homeless Youth Act (42 U.S.C. 5714) is amended—

(1) by striking "part" each place it appears and inserting "title",

(2) in the first sentence inserting "and the programs, projects, and activities they carry out under this title" after "center", and

(3) in the last sentence by inserting "under this title" before the period at the end.

SEC. 206. ELIGIBILITY.

Section 322(a) of the Runaway and Homeless Youth Act (42 U.S.C. 5714-2(a)) is amended—

(1) in paragraph (8) by inserting "(including individuals who are members of a cultural minority and individuals who have limited-English speaking ability)" after "individuals", and

(2) in paragraph (13)—

(A) by striking "consent of the individual youth and parent or legal guardian" and inserting "informed consent of the individual youth", and

(B) by striking "or a government agency involved in the disposition of criminal charges against youth".

SEC. 207. REPORTS.

Section 361 of the Runaway and Homeless Youth Act (42 U.S.C. 5715) is amended—

(1) in subsection (a) by striking "runaway" and all that follows through "part A", and inserting "programs, projects, and activities carried out under this title (other than part B)", and

(2) by adding at the end the following:

"(c) The Secretary shall include in each report required by this section a summary of the results of Federal evaluation of the programs, projects, and activities carried out under this title, and a description of the training provided to the individuals who carry out such evaluation. As part of such evaluation, the Secretary shall require such individuals to visit each grantee on-site not less frequently than at 3-year intervals.".

SEC. 208. AUTHORIZATION OF APPROPRIATIONS.

(a) GENERAL AUTHORIZATION.—Section 366(a) of the Runaway and Homeless Youth Act (42 U.S.C. 5751(a)) is amended—

(1) by amending paragraph (1) to read as follows:

"(1) There are authorized to carry out this title (other than part B and section 344) $75,000,000 for fiscal year 1993 and such sums as may be necessary for fiscal years 1994, 1995, and 1996.", and

(2) by adding at the end the following:

"(3) After making the allocation required by paragraph (2), the Secretary shall reserve—

"(A) for fiscal year 1993 not less than $912,500, of which $125,000 shall be available for the acquisition of communications equipment;

"(B) for fiscal year 1994 not less than $826,900;

"(C) for fiscal year 1995 not less than $868,300; and

"(D) for fiscal year 1996 not less than $911,700;

to carry out section 331.".

(b) TRANSITIONAL LIVING GRANT PROGRAM.—Section 366(b)(1) of the Runaway and Homeless Youth Act (42 U.S.C. 5751(b)(1)) is amended to read as follows:

"(1) Subject to paragraph (2), there are authorized to be appropriated to carry out B $25,000,000 for fiscal year 1993 and such sums as may be necessary for fiscal years 1994, 1995, and 1996.".

(c) DEMONSTRATION PROJECTS IN RURAL AREAS.—Section 366 of the Runaway and Homeless Youth Act (42 U.S.C. 5751) is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively, and

(2) by inserting after subsection (b) the following:

"(c) There is authorized to be appropriated $1,000,000 for each of the fiscal years 1993, 1994, 1995, and 1996 to carry out section 344.".

SEC. 209. NATIONAL COMMUNICATION SYSTEM; STREET-BASED SERVICES PROGRAM; HOME-BASED SERVICES PROGRAM; COORDINATING ACTIVITIES.

The Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) is amended—

(1) in part D—

(A) by striking "PART D" and inserting "PART F", and

(B) by redesignating sections 361, 362, 363, 364, and 366 as sections 381 through 385, respectively,

(2) in part C—

(A) by striking PART C" and inserting "PART E", and

(B) by redesignating sections 341 and 342 as sections 371 and 372, respectively, and

(3) by inserting after part B the following:

"PART C—NATIONAL COMMUNICATIONS SYSTEM

"AUTHORITY TO MAKE GRANTS

"SEC. 331. With funds reserved under section 385(a)(3), the Secretary shall make grants for a national communication system to assist runaway and homeless youth in communicating with their families and with service providers. The Secretary shall give priority to grant applicants that have experience in providing telephone services to runaway and homeless youth.

"PART D—COORDINATING, TRAINING, RESEARCH, AND OTHER ACTIVITIES

"COORDINATION

"SEC. 341. With respect to matters relating to the health, education, employment, and housing of runaway and homeless youth, the Secretary shall coordinate the activities of agencies of the Department of Health and Human Services with the activities of other Federal entities and with the activities of entities that are eligible to receive grants under this title.

"GRANTS FOR TECHNICAL ASSISTANCE AND TRAINING

"SEC. 342. The Secretary may make grants to statewide and regional nonprofit organizations (and combinations of such organizations) to provide technical assistance and training to public and private entities (and combinations of such entities) that are eligible to receive grants under this title, for the purpose of carrying out the programs, projects, or activities for which such grants are made.

"AUTHORITY TO MAKE GRANTS FOR RESEARCH, DEMONSTRATION, AND SERVICE PROJECTS

"SEC. 343. (a) The Secretary may make grants to States, localities, and private entities (and combinations of such entities) to carry out research, demonstration, and service projects designed to increase knowledge concerning, and to improve services for, runaway youth and homeless youth.

"(b) In selecting among applications for grants under subsection (a), the Secretary shall give special consideration to proposed projects relating to—

"(1) juveniles who repeatedly leave and remain away from their homes without parental permission;

"(2) home-based and street based services for, and outreach to, runaway youth and homeless youth;

"(3) transportation of runaway youth and homeless youth in connection with services authorized to be provided under this title;

"(4) the special needs of runaway youth and homeless youth programs in rural areas;

"(5) the special needs of programs that place runaway youth and homeless youth in host family homes;

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"(6) the special needs of programs for runaway and homeless youth who are sexually abused;

"(7) innovative methods of developing resources that enhance the establishment or operation of runaway and homeless youth centers.

"(8) training for runaway youth and homeless youth, and staff training, related to preventing and obtaining treatment for infection by the human immunodeficiency virus (HIV);

"(9) staff training to recognize and respond to emotional and behavioral effects of sexual abuse experienced by youth, and agency-wide strategies for responding to youth who may have been sexually abused;

"(10) increasing access to health care (including mental health care) for runaway youth and homeless youth; and

"(11) increasing access to education for runaway youth and homeless youth.

"(c) In selecting among applicants for grants under subsection (a), the Secretary shall give priority to applicants who have experience working with runaway youth or homeless youth.

"TEMPORARY DEMONSTRATION PROJECTS TO PROVIDE SERVICES TO YOUTH IN RURAL AREAS

"SEC. 344. (a)(1) With funds appropriated under section 385(c), the Secretary may make grants on a competitive basis to States, localities, and private entities (and combinations of such entities) to provide services (including transportation) authorized to be provided under part A, to runaway and homeless youth in rural areas.

"(2)(A) Each grant made under paragraph (1) may not exceed $100,000.

"(B) In each fiscal year for which funds are appropriated to carry out this section, grants shall be made under paragraph (1) to eligible applicants carry out projects in not fewer than 10 States.

"(C) Not more than 2 grants may be made under paragraph (1) in each fiscal year to carry out projects in a particular State.

"(3) Each eligible applicant that receives a grant for a fiscal year to carry out a project under this section shall have priority to receive a grant for the subsequent fiscal year to carry out a project under this section.

"(b) To be eligible to receive a grant under subsection (a), an applicant shall—

"(1) submit to the Secretary an application in such form and containing such information and assurances as the Secretary may require by rule; and

"(2) propose to carry out such project in a geographical area that—

"(A) has a population under 20,000; and

"(B) is located outside a Standard Metropolitan Statistical Area; and

"(C) agree to provide to the Secretary an annual report identifying—

"(i) the number of runaway and homeless youth who receive services under the project carried out by the applicant;

"(ii) the types of services authorized under part A that were needed by, but not provided to, such youth in the geographical area served by the project;

"(iii) the reasons the services identified under clause (ii) were not provided by the project; and

"(iv) such other information as the Secretary may require.".

(b) CONFORMING AMENDMENTS.—(1) Section 313 of the Runaway and Homeless Youth Act (42 U.S.C. 5712a) is repealed.

(2) Section 314 of the Runaway and Homeless Youth Act (42 U.S.C. 5712b) is repealed.

(3) Section 315 of the Runaway and Homeless Youth Act (42 U.S.C. 5712c) is repealed.

(3) Sections 316 and 317 of the Runaway and Homeless Youth Act (42 U.S.C. 5713, 5714) are redesignated as sections 313 and 314, respectively.

(4) Section 365 of the Runaway and Homeless Youth Act (42 U.S.C. 5733) is repealed.

TITLE III—AMENDMENT TO THE MISSING CHILDREN'S ASSISTANCE ACT

SEC. 301. AUTHORIZATION OF APPROPRIATIONS.

Section 407 of the Missing Children's Assistance Act (42 U.S.C. 5777) is amended by striking "1989, 1990, 1991, and 1992" and inserting "1993, 1994, 1995, and 1996".

TITLE IV—AMENDMENT TO THE CHILD ABUSE PREVENTION AND TREATMENT ACT

SEC. 401. FINDINGS.

The Congress finds the following:

(1) Circumstances surrounding the recent death of a young boy named Adam Mann in New York City prompted a shocking documentary focusing on the inability of child protection services to protect suffering children, and this documentary showed the serious need for systemic changes in our child welfare protection system.

(2) Thorough, coordinated, and comprehensive investigation will hopefully lead to the prevention of abuse, neglect, or death in future instances.

(3) An undue burden is placed on investigation due to strict Federal and State laws and regulations regarding confidentiality.

(4) While the Congress recognizes the importance of maintaining the confidentiality of records pertaining to child abuse, neglect, and death, often the purpose of these confidentiality laws and regulations are defeated when they end up protecting those responsible.

(5) Comprehensive and coordinated interagency communication needs to be established, with adequate provisions to protect against the public disclosure of any detrimental information need to be established.

(6) Certain States, such as Georgia, North Carolina, California, Missouri, Arizona, Minnesota, Oklahoma, and Oregon have already taken the necessary steps to establish by statute interagency, multidisciplinary fatality review teams to fully investigate incidents of death believed to have been caused by child abuse or neglect with great success. Such teams should be established in every State and their scope of review should be expanded to include egregious incidents of child abuse and neglect before the child in question dies. These teams will increase the accountability of the child protection service.

SEC. 402. MODIFICATION OF CONFIDENTIALITY PROVISION REGARDING STATE GRANTS UNDER CHILD ABUSE PREVENTION AND TREATMENT ACT.

Section 107(b)(4) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106A(b)(4)) is amended to read as follows:

"(4) with respect to information received by the State regarding an allegation of child abuse or neglect, establish such authorities and procedures under paragraphs (1) through (3) for the disclosure of the information within and among agencies of the State, and to other entities, as may be necessary—

"(A) to efficiently carry out the duties of the State under paragraph (2) regarding protection of the child involved; and

"(B) to ensure that disclosures of the identity of the subject of a substantiated allegation are made only to the extent appropriate for purposes of such protection;".

SEC. 403. SENSE OF THE CONGRESS.

It is the sense of the Congress that each State should carry out detailed review and reform of the system in the State for protecting against child abuse and neglect, including implementing formal interagency, multidisciplinary teams—

(1) to review all cases of child death where that child was previously known by the State to have been abused or neglected and those incidents of child abuse before the child dies where there is evidence of negligent handling by the State in order to hold the State accountable; and

(2) to make final recommendations regarding the outcomes of individual cases and systemic changes in the State's procedures for protecting against child abuse and neglect.

TITLE V—GENERAL PROVISIONS

SEC. 501. TECHNICAL AMENDMENTS.

(a) JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974.—The Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.) is amended—

(1) in sections 202(b), 202(d), and 241(e)(5) by striking "prescribed for GS–18 of the General Schedule by section 5332" and inserting "payable under section 5376", and

(2) in sections 201(b), 202(c), 204(b), and 241(e)(6) by striking "this Act" each place it appears and inserting "this title".

(b) RUNAWAY AND HOMELESS YOUTH ACT.—The Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) is amended—

(1) in section 312(a) by striking "juveniles" each place it appears and inserting "youth", and

(2) in section 383, as so redesignated by section 209(1)(B), by striking "Act" and inserting "title".

SEC. 502. EFFECTIVE DATES; APPLICATION OF AMENDMENTS.

(a) EFFECTIVE DATES.—(1) Except as provided in paragraph (2) and subsection (b), this Act and the amendments made by this Act shall take effect on the date of the enactment of this Act.

(2) The amendment made by section 108(a)(7) shall take effect on January 1, 1993.

(b) APPLICATION OF AMENDMENTS.—The amendments made by this Act shall not apply with respect to fiscal years beginning before October 1, 1992.

EXPLANATION OF AMENDMENT

The amendment strikes all after the enacting clause and inserts a new text which is explained hereafter in this report.

INTRODUCTION

In reporting H.R. 5194, the Committee proposes to continue the Juvenile Justice and Delinquency Prevention Act of 1974. As reported by the Committee, H.R. 5194 would authorize appropriations for fiscal years 1993, 1994, 1995, and 1996.

COMMITTEE ACTION

On March 18, 1992, Mr. Martinez, with Mr. Ford (of Michigan), introduced H.R. 5194, which was referred to the Committee on Education and Labor.

The Subcommittee on Human Resources held seven days of hearings on the reauthorization of the Juvenile Justice and Delinquency Prevention Act of 1974, three of which were held in Washington, D.C. on February 5, 1992, February 11, 1992, and April 7, 1992.

Testifying at the February 5 hearing were: Governor Bob Miller, State of Nevada; Ira Schwartz, Director, Center for the Study of Youth Policy, University of Michigan; Lynn A. Curtis, President, The Milton S. Eisenhower Foundation; and Barry Krisberg, Ph.D., President, National Council for Crime and Delinquency.

Testifying at the February 11 hearing were: Carol Behrer, Associate Commissioner, Family and Youth Services Bureau, Administration for Children and Families, U.S. Department of Health and Human Services; Justin Shire, Peer Counselor, Sanctuary, Inc.; Bob Salmon, General Services Manager, Southern California Gas Company and former Chair, Klein Bottle Youth Programs; Toni Collarini, Director, Westchester County Youth Bureau; Meri Pohutsky, Executive Director, Sanctuary, Inc.; J. Howard Finck, Chair, National Network of Runaway and Youth Services and President, Friends of Youth; and Richard Nelson, Board Member, National Runaway Switchboard.

Testifying at the April 7 hearing were: Robert W. Sweet, Administrator, Office of Juvenile Justice and Delinquency Prevention, Department of Justice; Gordon Raley, Executive Director, National Collaboration for Youth; Robbie Callaway, Director of Government Affairs, Boys and Girls Clubs of America; Susan Morris, Chair, Na-

tional Coalition of State Juvenile Justice Advisory Groups; W. Don Reader, Judge, Domestic Relations Division of the Common Pleas Court; Michael Dermody, Chairman of the Board of Trustees, and Sheila Leslie, Children's Cabinet; J. Dean Lewis, District Judge; and Jane Peerson, Chief Probation Officer, and Pat McGrath, Superintendent, DuPage County Youth House.

The Committee also held four field hearings on the reauthorization of the Juvenile Justice and Delinquency Prevention Act of 1974. The hearings took place in Santa Fe, New Mexico; Portland, Oregon; Downey, California; and Grand Island, Nebraska.

Testifying in Santa Fe, New Mexico on September 27, 1991 were: Vicki Neiberg, Chair, National Coalition of State Juvenile Justice Advisory Groups; Betty A. Downes, Ph.D., Chair, New Mexico Juvenile Justice Advisory Committee; Orlando Martinez, Associate Director of Family and Children Services, Department of Institutions, State of Colorado; Dan Prince, Chief of Planning, Division of Children and Families, Department of Human Resources, State of Nevada; Alice King, former Chair, Reauthorization Committee, National Coalition of State Juvenile Justice Advisory Groups; Robert E. Shepherd, Chair, Reauthorization Committee, National Coalition of State Juvenile Justice Advisory Groups; Jim Brown, Community Research Associates; Dennis Noonan, Our Town; and Augustine C. Bacca, Executive Director, Youth Development Inc.

Testifying in Portland, Oregon on March 9, 1992, were: Lonnie Jackson, McClaren School; Michael D. Schrunk, District Attorney of Multnomah County (Oregon); Larry Radcliff, Officer, Portland Police Bureau; Rod Englert, Multnomah County Sheriff's Office; Harold Ogburn, Director, Juvenile Justice Division of Multnomah County; Dave Sturdevant, Clark County (Oregon) Commissioner; Marty Holloway, Youth Intervention Team, Vancouver Police Department; Ernie Veach-White, Clark County Juvenile Department; Tom English, Oregon Council on Crime and Delinquency; Hung Tran, Youth Gang Program; and Bishop A. Wells, President, Albina Ministerial Alliance.

Testifying in Downey, California on March 16, 1992, were: Libby Deschenes, Rand Corporation, testifying on behalf of Meda Chesney-Lind, University of Hawaii at Manoa; Rita Redaelli, Girls, Inc. of Newport Mesa; Talaya Ford, Participant, PACE Center for Girls; Participant, Children of the Night; and Vicki Burke, Founder and Director, PACE Center for Girls.

Testifying in Grand Island, Nebraska, on March 30, 1992, were: Ruth Vance, Director, Panhandle Community Services; Father Val Peter, Director, Boys Town; Peggy Adair, Voices for Children; Carolyn Stitt, Director, Foster Care Review Board; Jean Lovell, Nebraska Commission on Law Enforcement and Criminal Justice; and, Susan Rotenburg, National Coalition for the Mentally Ill in the Criminal Justice System.

H.R. 5194 was considered by the Subcommittee on Human Resources, amended, and ordered reported to the full Committee on Education and Labor on May 19, 1992. On May 20, 1992, the bill, as amended, was ordered reported by the Committee by voice vote, a quorum being present.

Background and Need for Legislation

BACKGROUND

Federal concern for juvenile justice was expressed as early as 1912, when Congress created the Children's Bureau and authorized it to investigate juvenile courts as well as other issues related to youth. Congress sought to develop a Federal concentration of effort around youth services as early as 1948. Despite presidential requests in 1955 and 1957, no legislation was enacted to help State and local governments address the problem of delinquency until the passage of the Juvenile Delinquency and Youth Offenses Control Act of 1961. Under this law, the Department of Health, Education and Welfare (HEW) was authorized to assist States and localities in demonstrating improved methods for the prevention and treatment of juvenile delinquency.

Subsequently, the Juvenile Delinquency and Youth Offenses Control Act was reauthorized through 1967, and then was replaced by the Juvenile Delinquency Prevention and Control Act of 1968. Broader in scope than its predecessor, the 1968 Act authorized HEW to help States and localities strengthen their juvenile justice programs and to coordinate intergovernmental activities.

In 1968, the Congress also enacted the Omnibus Crime Control and Safe Streets Act, establishing the Law Enforcement Assistance Administration (LEAA). Under this Act, prevention and control of delinquency was authorized among the categories eligible for funding by the States. In 1971, Congress amended the Safe Streets Act to focus greater attention on juvenile delinquency.

During 1971, Congress also approved a one-year extension of the Juvenile Delinquency Prevention and Control Act and, in 1972, extended it again for an additional two years. At that time, an attempt was made to more clearly delineate the respective roles of LEAA and HEW. LEAA was to assist programs inside the juvenile justice system, while HEW was to fund prevention programs.

The Crime Control and Safe Streets Amendments of 1973 required still more emphasis on delinquency programs and recognized the need to prevent juvenile crime through coordinated action at all levels of government. Each State planning agency was required to specifically address delinquency in its comprehensive plan.

In 1974, as the Juvenile Delinquency Prevention and Control Act was about to expire, several bills were introduced which would extend or replace it. The Subcommittee on Equal Opportunities of the Education and Labor Committee gave extensive consideration to three bills: H.R. 13737, which would have amended and extended existing law and placed an emphasis on addressing the problems of runaway youth; H.R. 9298, the Runaway Youth Act; and H.R. 6265, which provided for categorical and block grants to States and localities, required submission of a State plan, and mandated that 75% of State funds be passed through to localities.

On June 6, 1974, after holding a series of hearings, the subcommittee reported a clean bill, H.R. 15276, the Juvenile Delinquency Prevention Act of 1974. It was reported by the full Committee on

Education and Labor, as amended, on June 12, 1974, and passed the House by a vote of 329 to 20 on July 1, 1974.

Earlier, in the Senate, Senator Bayh introduced S. 3148, the Juvenile Justice and Delinquency Prevention Act of 1972, which was referred to the Committee on the Judiciary. On February 8, 1973, Senator Bayh and Senator Cook reintroduced S. 3148, with modifications, as S. 821. Following a series of hearings, the Subcommittee to Investigate Juvenile Delinquency reported S. 821, as amended, on March 5, 1974. On May 8, 1974 the Judiciary Committee reported the bill, which subsequently passed the Senate on July 25, 1974 by a vote of 88 to 1.

On July 31, 1974, the House considered and passed S. 821, amended, in lieu of H.R. 15276. President Ford signed it into law on September 7, 1974 (P.L. 93-415). The Act provided for an authorization of $350 million and the creation of the Office of Juvenile Justice and Delinquency Prevention (OJJDP) within the Department of Justice, Law Enforcement Assistance Administration. Programs funded under Title III of the Act, The Runaway Youth Act, were to be administered by the Department of Health, Education and Welfare.

Other provisions of the 1974 Act included the creation of a Federal Coordinating Council to coordinate all Federal juvenile delinquency programs, a National Advisory Committee for Juvenile Justice and Delinquency Prevention to provide citizen input, and a National Institute for Juvenile Justice and Delinquency Prevention to conduct training, evaluations, research, and demonstrations.

The Act provided for formula grants to States and local public and private agencies. Special Emphasis Prevention and Treatment grants were also authorized to support innovative delinquency prevention programs and community-based alternatives to incarceration.

The Act further provided that status offenders must not be placed in secure facilities and that juveniles in correctional institutions must be held separately from adults.

In 1977, the Act was reauthorized for three additional years. H.R. 6111 was the primary House bill, incorporating administration amendments, as well as provisions from H.R. 1137, which proposed an additional focus on learning disabled children who become involved in the juvenile justice system. As a result of a strong bipartisan effort, on May 5, 1977, H.R. 6111 was ordered reported to the House by the Committee on Education and Labor by a vote of 34 to 0. On May 19, 1977, H.R. 6111 was considered and passed by the House by a vote of 389 to 5.

In March 1977, Senator Bayh introduced S. 1021 to reauthorize the Act. On April 1, 1977, he also introduced S. 1218, the administration's proposal. The Judiciary Committee reported S. 1021, combining portions of both Senate bills, on May 12, 1977. On June 21, 1977, the Senate considered and passed H.R. 6111, amended, in lieu of S. 1021. President Carter signed H.R. 6111, the Juvenile Justice Amendments of 1977, into law on October 3, 1977 (P.L. 95-115). These amendments added several improvements to the Act including an enhanced role for State advisory groups and new authority in Title III to serve homeless youth.

The Juvenile Justice and Delinquency Prevention Act of 1974 was reauthorized in 1980 for an additional four years. S. 2441 was introduced by Senator Bayh on March 19, 1980 and subsequently considered and approved by the Senate on May 20, 1980. The House bill (H.R. 6704) was introduced by Congressman Andrews on March 5, 1980 and reported by the Committee on Education and Labor on May 13, 1980. On November 19, 1980, the House took up the Senate bill, amended it with the provisions from the House bill, and approved S. 2441, as amended, by voice vote. On November 20, 1980, the Senate approved S. 2441, as amended and approved by the House. On December 8, 1980, President Carter signed the bill into law (P.L. 96-509).

The 1980 amendments changed the provisions of the Act by requiring the States to remove juveniles from adult jails and lockups, establishing OJJDP as a separate administrative entity from LEAA under the general authority of the Attorney General, adding the valid court order exception, and changing the method of distributing funding under the Runaway Youth Act.

In 1984, the Act was again amended and extended for a period of four years. On February 29, 1984, Congressman Andrews introduced H.R. 4971, which was subsequently approved by the Committee on Education and Labor on April 26, 1984 and passed by the House on June 4, 1984. The Senate bill, S. 2014 was introduced by Senator Specter and Senator Hawkins on October 27, 1983 and was approved by the Committee on the Judiciary on May 10, 1984. On August 10, 1984, H.R. 2175, as amended with the provisions of S. 2014, was passed by the Senate. Subsequently, the House and Senate used H.J. Res. 648 (the continuing appropriations bill, 1985) to complete the reauthorization of the Act. H.J. Res. 648 was approved by President Reagan on October 12, 1984 (P.L. 98-473).

The 1984 amendments made a number of changes in the Act including improvements in the Special Emphasis program and the provisions governing the review of applications, an enhanced emphasis on strengthening the family unit, and the addition of a new Title IV, Missing Children's Assistance Act.

In 1988, the Act was amended and extended for an additional 4 years through fiscal year 1992. On March 25, 1987, Congressman Kildee and Congressman Tauke introduced H.R. 1801 which was approved by the Committee on Education and Labor on April 28, 1988. The Senate, as a part of the Anti-Drug Abuse Act of 1988, passed an amended version of the House bill on October 14, 1988. The House and the Senate subsequently passed H.R. 5210 on October 21, 1988. The bill was signed into law by President Reagan on November 18, 1988 (P.L. 100-690).

The 1988 amendments required the Administrator of the Office of Juvenile Justice and Delinquency Prevention to develop and publish an annual report, expanded the composition of the Coordinating Council, created a Native American pass-through within the formula grant, required States to address efforts to reduce minority overrepresentation in their plans, added a new gang and drug trafficking part with a separate authorization, and required three new special studies to be conducted.

Minor amendments were made to the Act in 1989 and 1990.

NEED FOR THE LEGISLATION

The Juvenile Justice and Delinquency Prevention Act of 1974 authorizes three separate and distinct Federal efforts: Titles I and II contain the juvenile justice provisions and are commonly referred to as the Juvenile Justice and Delinquency Prevention Act; Title III comprises the Runaway and Homeless Youth Act; and Title IV comprises the Missing Children's Assistance Act. Each program has an authorization of appropriations and therefore receives its own line item appropriation. Each program fulfills a unique and important Federal function.

The Juvenile Justice and Delinquency Prevention Act (JJDPA) authorizes a broad range of activities including Federal policy coordination, research, training, and the development and testing of innovative approaches to prevent or treat juvenile delinquency. The centerpiece of the Act is the formula grant program which allocates funds to the States. In return, the States agree to make improvements in their juvenile justice systems, such as placing status offenders (e.g., runaways and truants) in nonsecure programs rather than detention and removing children from adult jails and lockups. The Act, however, does not specifically prescribe how these goals must be accomplished. Instead, it helps each State make changes and fashion programs that fit its unique needs and circumstances. Additionally, the JJDPA accords a high priority to approaches which maintain and strengthen the family unit.

The result in many States has been that fewer youth are being inappropriately incarcerated and more are receiving treatment in family or community-centered programs, while still protecting the public safety. According to a 1991 General Accounting Office Study, by 1988, States had reduced the number of status offenders and nonoffenders held in secure facilities by 95 percent over their base years. ("Noncriminal Juveniles: Detentions Have Been Reduced But Better Monitoring if Needed," General Accounting Office report to congressional committees, April 1991, 3.) Additionally, according to a 1990 OJJDP report on juveniles taken into custody, the number of juveniles held in adult jails and lockups were reduced by 38 percent over the period from 1983 to 1988.

Testimony and other information presented to the committee, however, clearly indicates that there is still much to be accomplished. Justice Department data shows that, as of 1988, there were still more than 65,000 juveniles held in jails and lockups nationwide. The witnesses testifying before the Committee overwhelmingly argued that continued progress by the States is greatly dependent upon the Federal leadership and resources provided under the JJDPA.

The Runaway and Homeless Youth Act (RHYA), complements State juvenile justice programs by authorizing grants to support runaway shelters, coordinated networks of shelters, and a national hotline. These shelters provide a wide variety of emergency and support services for troubled youth. Because these youth are frequently running away from troubled homes, the shelters attempt to help them by immediately notifying parents and by providing individual and family counseling. According to the Department of Health and Human Services, the RHYA assisted the operation of

343 local shelters which provided shelter and crisis intervention services to approximately 63,000 youth in 1989. Additionally, 51 percent of the youth who received services were reunited with their families, 35 percent were placed in other positive living arrangements such as in the homes of relatives or foster families. Only 9 percent were not positively placed, and information concerning the disposition of the remaining 5 percent is unavailable.

Frequently, the receipt of Federal funding serves as a kind of validation and facilitates efforts to obtain financial support from other sources. As a result, Federal assistance on the average comprises approximately one third of a local shelter's operating budget. Despite a variety of funding sources, testimony before the committee clearly indicated that many of the shelters have not been able to meet local demands for services and that the number of troubled youth and families requiring services continues to increase. Moreover, youth seeking services at runaway shelters increasingly have multiple, serious problems requiring intensive treatment and a wide range of services.

The Missing Children's Assistance Act (MCAA), authorizes support for a range of activities designed to address the difficult issues surrounding the problem of missing children. Generally, these activities are not provided or supported by other Federal programs. Examples include the operation of a toll-free telephone system, a national resource center and clearinghouse, financial assistance to private, nonprofit missing children agencies, and research on topics such as the national incidence of missing children cases. During the period, 1984 to 1987, the national resource center and clearinghouse provided to the public more than 1,700,000 copies of various publications free of charge.

The committee views these important programs as an investment. Those troubled or endangered youth that we can help today are less likely to appear in the juvenile and criminal justice systems later.

For the foregoing reasons, H.R. 5194 proposes a four-year extension of the authorizations of each of these programs and prescribes improvements in their operations as described in the next section.

Explanation of the Bill

TITLE I

Purpose

H.R. 5194 amends the Juvenile Justice and Delinquency Prevention Act of 1974 by adding, as matters of congressional policy, encouragement of parental involvement in treatment and alternative disposition programs and coordination of services between State, local and community-based agencies. The committee heard testimony from a number of witnesses regarding the need to coordinate existing services for juveniles in order to maximize the provision of those services and to increase parental involvement in the rehabilitative process.

Definitions

The bill requires that certain procedures be followed by juvenile courts prior to the issuance of a valid court order and adds new paragraphs defining "comprehensive and coordinated services", "gender-specific services", "hate crime", "home-based alfernative services", and "jail or lockup for adults". The amendments relating to the issuance of a valid court order establish a procedure that must be followed to assure that all available resources have been exhausted and that an assessment of a youth's immediate situation be done by an appropriate public agency to protect against returning the youth to an abusive or potentially abusive situation. These procedures are consistent with the practice of the majority of juvenile courts across the country and have been modeled after the procedures currently used in Virginia and New Jersey. The committee does not intend to put any limitations on the authority of judges to enforce valid court orders or to use their statutory and constitutional contempt powers. While the assessment of a youth's situation prescribed by the bill is to be conducted by an appropriate public agency other than a court or law enforcement agency, the assessment team may include court personnel if those individuals are trained professionals in the field of child welfare. The Committee does not intend to exclude from the assessment process those courts which include qualified child welfare professional staff in their proceedings.

Establishment of office

The bill establishes a direct reporting relationship between the Administrator of the Office of Juvenile Justice and Delinquency Prevention (OJJDP) and the Attorney General. The committee heard testimony from Ira Schwartz, former Administrator of the OJJDP, and a number of juvenile justice advocacy groups, including the National Council on Crime and Delinquency, Boys and Girls Club of America, the National Coalition of State Juvenile Justice Advisory Groups, and the National Assembly and National Collaboration for Youth, regarding the need to make the Office more autonomous. Testimony supported establishing a direct reporting relationship between the Administrator of OJJDP and the Attorney General and the need for the Office to independently set an agenda to establish a national policy for juvenile justice. The committee recognizes that under the existing structure the Office has been hampered in achieving those goals. It is also the committee's intent that the Office continue the reciprocal consulting relationship with the National Institute of Justice and the Bureau of Justice Statistics in the development, planning and implementation of juvenile justice programs.

Concentration of effort

The bill requires the Administrator to develop a long term plan for the administration of the Office, which must be reviewed annually and published in the Federal Register, and to issue a set of model standards for providing health care to incarcerated juveniles. Development of a long-term plan allows the Office to better achieve the goals of the Act through the adoption of a national

strategy for juvenile justice and delinquency prevention. The committee also received testimony regarding the need for adequate health care services among detained and incarcerated youth and the inadequacy and unavailability of health are services for many of these youth. Currently, various voluntary standards regarding juvenile health care exist. However, compliance with these standards is rare.

In its April 1991 "Adolescent Health" report, the Office of Technology Assessment detailed numerous barriers to providing adequate health care for detained and incarcerated juveniles. As a first step to overcome these barriers, the committee instructs the Administrator to issue institutional health care standards which shall be developed with the guidance of professional medical and health associations, and individuals and organizations which have expertise in adolescent and juvenile health. The standards shall set forth minimal components of an adequate health delivery system necessary to provide care equivalent to or exceeding that which is available in the surrounding community.

The standards should provide guidance on policies and procedures related to: screening and assessment of health needs; medical service delivery (including mental health, substance abuse, and dental services); provision of emergency care; health education and prevention; administrative authority and financial management (including policies to maximize funding opportunities); personnel and training; case management and continuity of care; health records; medical legal issues; and evaluation of the health care system for incarcerated juveniles. The committee also directs the Administrator to provide technical assistance and training to assist States and units of local government to adopt the standards.

Coordinating council

The bill changes the composition of the Coordinating Council by removing certain members and adding to the Council practitioners from the field of juvenile justice. In addition to performing their functions as members of the Council, the practitioners appointed are directed to collectively make their recommendations with respect to the long-term plan. Changing the composition of the Coordinating Council to include practitioners provides for greater support for the Administrator by giving the Administrator better access to those who can best assist in coordinating other Federal juvenile justice activities and in developing a long term strategy in addressing juvenile justice.

Annual review

The bill requires the inclusion of juveniles who are treated as adults for purposes of prosecution in the juveniles custody status reports. With the administration's recent calls for tougher punishment of juvenile offenders, efforts have been made to elevate juveniles to adult status for the purpose of prosecution. The committee believes that this type of information must be collected and analyzed in trying to evaluate the number of certifications, types of offenses, and the impact of certifying juveniles to adult court for certain offenses.

The bill also requires the collection of data on the educational status of juveniles. As studies have indicated, a strong correlation exists between educational failure and juvenile delinquency. The availability of information on the education status of juveniles could help direct prevention and intervention programs in this area.

Allocation

H.R. 5194 requires States to provide one (1) full-time staff person to carry out the State plan. The committee heard testimony from the National Coalition of State Juvenile Justice Advisory Groups regarding the need for States to commit at least one full-time staff person to administer the State plan in order to ensure accountability and continuity in the delivery of services and in maintaining compliance with the mandates of the Act. The Committee believes that this is vital in maintaining the integrity of the Act.

State plan

The bill requires the inclusion in State plans of educational, home-based and family-involved alternative services; methods to reduce language barriers; programs to prevent and reduce hate crimes committed by juveniles; a prohibition on the use of common staff for juvenile and adult facilities and collocation of juveniles and adults in such facilities; an analysis of gender-specific services, rural services, and mental health services; and an assurance that additional funds above 105% of the amount received in fiscal year 1992 be expended on comprehensive and coordinated community systems of services. The bill provides for the reduction of funds through the State formula grant for non-compliance with the Act's four (4) mandates.

When the Congress enacted the Juvenile Justice and Delinquency Prevention Act in 1974, it was felt that two standards should be met: that "status offenders"—those juvenile offenders whose acts would not be considered "offenses" if committed by an adult should not be kept in secure custody; and that juveniles kept in custody should not have regular contact with adult prisoners. An unexpected result of the latter standard was that juveniles were often held in solitary confinement, leading to a suicide rate for juveniles held twelve times that of juveniles not held. By 1980, it became clear that a different standard for securing juveniles was necessary. In July 1980, the National Advisory Committee For Juvenile Justice and Delinquency Prevention, in their "Standards for the Administration of Juvenile Justice," recommended that "Detention facilities . . . should not be on the grounds of an institution used to house adults accused or convicted of committing a criminal offense." (Standard 4.26). As a result of that and other recommendations, Congress directed that, with some exceptions, "no juvenile shall be detained or confined in any jail or lockup for adults" (section 223(a)(14) of the Act). The exceptions included a twenty-four hour period for defined rural situations and, in the report accompanying the 1980 amendments, an exception for up to six hours at intake for processing. Even during the exception periods, the Act prohibited regular contact with adults. The regulations developed by OJJDP allow a juvenile detention facility to occupy a part of a

building containing a jail or lockup for adults if the juvenile facility is distinctly segregated from adult areas, and if most of the staff serving juveniles is not shared with adults. The committee supports these regulations and recognizes the need to prohibit the use of common staff in that the philosophy, training and methods for working with incarcerated youth are at opposite poles with those of working with adult prisoners. It is the committee's belief that no security or other direct care staff, no matter how well trained, can effectively serve an adult population and then shift gears and effectively serve a juvenile population. It is the committee's intent that this policy be maintained in order to preserve the integrity of the Act.

In December of 1988, Wisconsin Governor Tommy G. Thompson notified OJJDP that Wisconsin was conditionally withdrawing from participation in the state formula grant portion of the Juvenile Justice and Delinquency Prevention Act. In June 1989, Governor Thompson notified OJJDP that the State of Wisconsin would not submit a plan for 1989 and would not participate in the Act. In April 1990, the Administrator of OJJDP was asked to reassess Wisconsin's Jail and Lockup Removal Plan. After negotiating a compromise, Wisconsin submitted a revised plan which was approved by OJJDP in July of 1990, providing additional time to complete regulatory and statutory changes necessary to implementing the plan through the issuance of a waiver of termination as authorized under the Act (section 223) and regulations (28 CFR 31.303). This plan specified certain criteria to be met in order for Wisconsin to be in compliance with the Act, and the terms for compliance. Terms agreed to include the use of common staff for both adult and juvenile facilities, provided that the staff is not used in both the adult and juvenile centers at the same time or on the same day, and that such staff be trained and certified to work with juveniles in detention. Such training is to be consistent with national standards for juvenile detention staff.

Although the committee feels that the use of common staff for both juvenile and adult offenders should be prohibited, it also recognizes that the State of Wisconsin entered into an agreement in good faith with the Office of Juvenile Justice and Delinquency Prevention and has been in the process of implementing its plan for the past two years. The committee does not consider it appropriate to supplant this agreement but directs the Office to closely monitor the effects it has on juveniles in custody and report the results to the Chair of the House Committee on Education and Labor and the Chair of the Senate Committee on the Judiciary by December 31, 1995.

If the State of Wisconsin fails to meet the requirements of the "Jail Removal Plan" agreement as described in its state plan and as approved by the Office of Juvenile Justice and Delinquency Prevention (confirmed by letter from Robert Sweet, Administrator, to Jerome Lacke, Executive Director, Wisconsin Office of Justice Assistance, dated July 17, 1990) such that the State is no longer in compliance with the terms of the Act and becomes a nonparticipating State, the State would be required, in order to resume participation, to submit a new state plan for approval by the Office under the statutes and regulations in effect at the time of application.

It is also the committee's desire to reaffirm the six-hour "rule of reason" set out in the committee report of 1980 (H. Rept. 96-946, p. 26).

The committee has included a requirement that States include in their State plans an analysis of gender-specific services for the prevention and treatment of juvenile delinquency, including the types of such services available and the need for such services for females.

This provision is intended to assure that male and female delinquents receive treatment specific to their unique needs, and to ensure that States address discrepancies in services provided if they exist. The committee believes that gender-specific services are necessary if the Juvenile Justice and Delinquency Prevention Act is going to adequately and fairly service juvenile offenders.

The committee received testimony from national youth organizations, scholars, and service providers recommending that some services be specialized to address the specific needs of female juvenile offenders. One witness, Vicki Burke, spoke of her challenge in creating the PACE Center for Girls in response to the complete absence of services for female juvenile offenders in the State of Florida. Witnesses testified that girls commit different offenses than boys and therefore need different programs to address their behaviors.

Despite the demonstrated need for separate programming, however, female juvenile delinquents are not receiving the services that they need. Instead, most juvenile services are designed to address the needs of more traditional male delinquent behavior. Without services that specifically address the needs of girls as well as boys, girls will not receive the most effective treatment and services possible under the Act.

H.R. 5194 also emphasizes the need for interagency cooperation and collaboration by youth-serving agencies by requiring that any funds a State receives that exceed 105 percent of the amount that the State received in fiscal year 1992 be expended through or for programs that provide a comprehensive coordinated system of juvenile services. A number of Committee witnesses offered testimony with a common theme—the need for better coordination of services for youth. Nevada's Governor Miller, Chairman of the National Governors' Association (NGA) Committee on Justice and Public Safety, testified about the results of an NGA study entitled "Kids in Trouble" which emphasized the need for a continuum of services for youth in the juvenile justice system. Other witnesses testified about the ability to provide better service through interagency cooperation.

J. Dean Lewis, Chief Judge of the Juvenile and Domestic Relations Court, Fredericksburg, Virginia, presented testimony regarding Virginia's efforts in implementing a plan that involves the cooperation of local community child-service agencies. That plan includes the use of community councils that provide comprehensive interagency assessment teams and alternatives to court intervention. Sheila Leslie, Executive Director and Michael Dermody, President of the Board of Directors of the Children's Cabinet, Reno, Nevada, also testified about Nevada's efforts in creating a lasting community-wide cooperative effort between the private sector and

governmental agencies. The committee intends that these programs be used as a model for those jurisdictions considering implementing cooperative programs.

Currently, if a State is out of compliance with the mandates of the Act, the Administrator may make exceptions under certain circumstances to allow the State to continue to receive formula grant funds for up to three additional years provided that the State has made "an unequivocal commitment to achieving full compliance within a reasonable time," or agrees to expend all of the funds to be received under the formula grant, other than the administrative costs and the amount allocated to the State advisory groups, on achieving compliance with the Act. If compliance is still not met within a reasonable time (not to exceed 3 years) or if the Administrator does not approve the waiver, the funds are terminated. The amendment would allow States to continue to receive funds under the Act while having their total funding reduced 25 percent for each mandate with which they are not in compliance if they expend the remaining funds in an effort to come into compliance. This allows States to continue to provide services to youth while working toward total compliance with the Act.

Given the correlation between educational failure and juvenile delinquency, the committee believes that greater attention must be paid to the educational needs of juveniles while they are incarcerated, with better communication between the youth's base school and the facility in which he or she is currently residing. Too often the education provided to youth has little relation to what is going on in their home schools, which places them at a great disadvantage once they return and increases the likelihood of school failure, truancy and dropping out. Greater communication with respect to the educational needs and problems of incarcerated youth could help keep them in school and decrease juvenile delinquent activity.

Testimony provided at the subcommittee's hearing in Portland, showed that families are often unable to seek and obtain assistance for their children because they do not speak or understand the English language. The committee, therefore, encourages service providers to make a special effort to work with the non-English speaking parents of incarcerated youth, including reference to literacy and other social service programs.

The committee also supports greater family involvement in programs for juvenile offenders and, as such, encourages home-based treatment programs and programs which work with a family during the time a child is incarcerated, including the coordination of services which may be beneficial to the family and efforts to prevent the youth's further involvement in juvenile crime once he or she returns home.

Information function

The bill includes the collection and dissemination of drug and alcohol program and gender-specific program data as part of the clearinghouse functions of the National Institute for Juvenile Justice and Delinquency Prevention. This addresses the need to collect and disseminate data on issues that have been included in the mandates of this Act. As indicated previously, the State plan must specifically address the need for gender-specific services and in-

clude the development of programs designed to prevent hate crimes as programs and services designed to prevent juvenile delinquency. Collection and dissemination of this type of information should help States in developing their plans.

There have been a number of reports and studies that have indicated that alcohol and drug abuse are primary causal factors of juvenile crime. In addition, there has been much anecdotal information relating to the incidence of hate crimes committed by juveniles. The committee believes that collecting this data will establish a profile of hate crime offenses, the offenders, and their victims, and provide information regarding the relationship of drug and alcohol abuse as well as other factors relevant to juvenile crime, and will prove to be essential in addressing the needs of delinquent juveniles.

Research, demonstration, and evaluation functions

The bill requires the Administrator to make available to the public the results of all evaluations and research and demonstration activities authorized under the Act. The Office funds a number of innovative studies and demonstration projects. Results of these studies have not always been made available to either practitioners in the field of juvenile justice or the general public. The committee intends that the results of all studies be disseminated to all interested parties.

The bill also authorizes the Administrator to support research related to a better understanding of the commission of hate crimes by juveniles and designed to identify educational programs aimed at preventing and reducing hate crimes. The Administrator is also authorized to collect and disseminate uniform national statistics concerning all aspects of juveniles as victims and offenders and the processing and treatment of certain juveniles in the juvenile justice system.

Technical assistance and training functions

H.R. 5194 authorizes the Administrator to provide training for persons working with juveniles who commit hate crimes and to provide technical assistance and training to State and local governments in adopting model standards for providing health care to incarcerated juveniles.

Establishment of training program

The bill includes training designed to prevent hate crimes in the training curriculum of the Institute, expanding the authority for the Administrator to develop, conduct and provide training programs for juvenile justice professionals and volunteers who work with youthful hate crime offenders.

Curriculum for training program

The bill makes clear that the Administrator's own training program within the Institute shall include methods and techniques of responding to bias crimes, and the curriculum for this training program shall include training designed to prevent juveniles from committing hate crimes. Recognizing that minority youth are disproportionately represented among juvenile offenders, the commit-

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tee believes this training can help juvenile justice workers be prepared to address the special needs of some minority youth in the criminal justice system and promote awareness of cultural differences that will help enable juvenile justice professionals to better understand the diversity of offenders with whom they work.

Special studies and reports

The bill directs the Administrator to conduct a study assessing available federal, State and local data relating to hate crimes.

The bill also requires the Administrator to conduct a national assessment of youthful hate crimes, including an analysis of the perpetrators, their motives, victims of hate crimes, the type of law enforcement investigation conducted, and the penalties imposed for these crimes. Sources to be used to conduct this study should be hate crime data and crime reports compiled by State law enforcement agencies and data collected by the Federal Bureau of Investigation under the Federal Hate Crime Statistics Act (P.L. 101-275).

H.R. 5194 also requires the Administrator to conduct a study of the incidence of violence committed by or against juveniles in urban and rural areas in the U.S. Recent events, such as the Los Angeles riots following the Rodney King verdict, have brought to a head the need for an intense interventive and preventive strategy for our urban areas. Every day the news has at least one story about youth violence. According to the "OJJDP Update on Statistics", over the last half of the 1980's juvenile arrests for violent crimes increased at a greater pace than adults. The 1989-90 arrest trends show an increase in the number of juvenile arrests for murder and nonnegligent manslaughter (26 percent), robbery (17 percent) and aggravated assult (16 percent).

In planning for these preventive and interventive strategies, it is imperative that we have at hand data on the causal factors of this increase in youth violence and any existing strategies that are effective. It is the committee's intent that the Administrator implement this study immediately in order to direct available resources to quickly adopting interventions that can help prevent or reduce juvenile violence.

Special emphasis prevention and treatment programs

The bill provides for the inclusion of home-based treatment, parent self-help and hate crime prevention programs as special emphasis prevention and treatment programs in an effort to involve families in the rehabilitative process.

The committee finds that crimes motivated by bias, prejudice and hatred are particularly prevalent among juveniles and therefore merit special attention and special response from public officials and law enforcement authorities. Several recent studies reveal that a disproportionate number of bias related crimes are committed by youth. One study prepared by Abt Associates for the National Institute of Justice found that "at least half the people arrested for bias crimes are older teenagers and young adults . . ." And in 11 out of 13 of the Anti-Defamation League's annual "Audits of Anti-Semitic Incidents," over 80 percent of those arrested for bias crimes have been under the age of 21.

Given the impact of hate crimes on our society and the considerable involvement in hate crimes by juveniles, the committee believes that juvenile justice system must be prepared to deal effectively with hate crime offenders. The committee has approved a series of amendments designed to accomplish this objective.

The amendments require the Administrator to establish at least one special emphasis program designed to prevent and reduce the incidence of hate crimes committed by juveniles. Such programs may include the development of model education programs to increase the awareness of the impact of hate crimes on victims, as well as innovative sentencing programs for youthful offenders to provide alternatives to incarceration, including community service and and restitution programs. Among the objectives of these community initiatives would be to encourage education to combat prejudice and better appreciate the impact of these crimes on the victims through interaction with members of the targeted community.

One example of a model education program that has already demonstrated considerable success is "A World of Difference," a program developed by the Anti-Defamation League, which is designed to educate students about the roots and consequences of prejudice, to stimulate critical thinking and discussion about discrimination, to provide opportunities to learn about other people's racial, religious, and ethnic heritage, and to strengthen self-esteem among young people through increased understanding of their own heritage.

In addition, H.R. 5194 requires law-related education (LRE) programs be targeted to at-risk youth.

The law-related education program has proven to be a highly successful program particularly when targeted to at-risk youth. The committee received testimony from the Coordinated National Law-Related Program (CNLRP), a provider of law-related education services nationally, documenting the merits of LRE and, in particular, CNLRP's efforts in addressing at-risk urban youth. In its testimony CNLRP maintained that, "Addressing the needs of this country's at-risk youth is a national priority" and recommended that, "greater emphasis be placed on at-risk youth". The committee agrees that law-related education is a valuable tool in the prevention of delinquent acts and as an intervention method for youths already involved in the juvenile justice system. Given limited resources, the committee recognizes the merits of LRE and intends that the administrator target programs that serve high-risk youth.

The bill also prohibits the Administrator from making any grants to the Department of Justice or to any unit that is part of the Department of Justice. Given the administration's attempts to use OJJDP funds for other Justice Department priorities not mandated in the Juvenile Justice and Delinquency Prevention Act and the administration's recommended cuts in the OJJDP budget over the past 4 years, the committee intends that those funds appropriated for the Office of Juvenile Justice and Delinquency Prevention be expended for the purposes of carrying out the Act.

H.R. 5194 also supports programs that work with families of incarcerated juveniles, take into consideration the special needs of families with limited English speaking ability, and assist in identifying learning difficulties (including learning disabilities).

Considerations for approval of applications

H.R. 5194 requires that all discretionary grants be made on a competitive basis except in the event that the President declares a state of emergency or disaster. The committee heard testimony regarding the need to eliminate the non-competitive process for discretionary grants. Ira Schwartz, former Administrator of OJJDP, and other witnesses testified that there have been a number of abuses of the non-competitive process over the years by the Administrator directing funds to specific programs and specific organizations. While many of the programs or organizations funded through this process have been worthwhile, the competitive process assures that all eligible entities have equal opportunity to compete for available funding. This is consistent with the general principle which fosters competition for Federal grants and contracts.

The committee recognizes that certain national organizations have unique capabilities to provide assistance under the Act. These organizations include the National Coalition of State Juvenile Justice Advisory Groups in carrying out the functions of section 241(f)(2), and the National Council of Juvenile and Family Court Judges, in providing training for judges and others who work with the juvenile courts. These nonprofit organizations have provided unique juvenile justice and delinquency prevention training to individuals across the country for several years. Their unique capabilities have been consistently recognized by Congress and OJJDP. It is the intent of the committee that so long as these organizations are able to continue those roles effectively, the Office of Juvenile Justice and Delinquency Prevention should continue to support their efforts and the Administrator should recognize the unique capabilities of these organizations and the need to maintain these capabilities.

Gang-Free Schools and communities; community-based gang intervention

The bill amends Part D of Title II of the Act, to create a Part entitled "Gang-Free Schools and Communities; Community-Based Intervention," eliminating the Part D gang provisions in the current law. The reasons for this change are twofold; (i) since 1988, the current law has funded needed research, but little else that would assist local communities in dealing with gang problems; and (ii) the committee believes that the Act will be more effective by placing less emphasis on drug activities (which tend to be a major focus of law enforcement) and greater emphasis on helping youth, families, and communities.

This new part is designed to complement and expand existing Federal, State, and local efforts to addresss a difficult and increasingly serious problem. To date, the principal Federal responses have been law enforcement measures. During the last year, the Department of Justice, through the Office of Justice Programs, the Federal Bureau of Investigation, and the Bureau of Alcohol, Tobacco, and Firearms, substantially increased its intelligence and enforcement efforts. The bill is designed to ensure that, while these agencies are working to reduce the illegal activities of gangs, local communities have resources to prevent youths from joining gangs,

to reduce the influence of gangs, and to address the needs of at-risk youths. As authorized by this new subpart, educational services, when coordinated with social and mental health services available through community-based youth services organizations and other public agencies, can become very effective gang prevention and intervention tools.

Subpart I of this new part, which contains the Gang-Free Schools and Communities portion, authorizes the Administrator of the Office of Juvenile Justice and Delinquency Prevention to make grants to local school districts, and other local public and private agencies, institutions, and organizations to support a broad variety of prevention and intervention activities related to juvenile gangs. Authorized activities include—

1. prevention services and activities, such as: individual, peer, family, and group counseling; life skills and independent living training; education and social services to meet the needs of kids who would otherwise look to gangs for support and a sense of "belonging"; and public awareness and training to help parents and other significant adults provide constructive alternatives for these youth;

2. the development (in cooperation with law enforcement and community-based organizations) of policies and activities in schools to promote and maintain a safe learning environment;

3. services to help current and potential gang members to obtain appropriate education instruction (along with counseling and other social support services) in or outside the regular school program:

4. alternatives to gangs which involve at-risk youth in lawful and constructive activities; and

5. services for previously adjudicated youth (i.e., for delinquent acts associated with gangs) to ensure that they are provided necessary assistance and support during their re-adjustment to community living.

In making grants, the Administrator is directed to give priority consideration to applications which (i) are submitted by, or that substantially involve, local school districts, (ii) substantially involve families and are broadly supported by agencies, organizations, and institutions in the community, and (iii) are based on the incidence and severity of gang-related crimes in the community.

The committee emphasizes the importance of fostering cooperation among organizations and institutions in the community—especially between community-based organizations that provide services to youth and the schools. Accordingly, as described above, the bill requires that priority be given to applications submitted by, or involving, schools. While this language is intended to encourage the active involvement of schools in these programs, it should not be interpreted to require that grants only be made to school districts. Instead, the Administrator should grant a priority based on the amount and apparent quality of the collaboration described in the application, whether it is submitted by a school district or by another agency, institution, or organization in the community.

The Administrator is authorized to reserve not more than 15 percent of the annual appropriation for the subpart to support research, evaluation, and information dissemination activities. The

remaining 85 percent of the appropriation must be used for grants to provide services. This is not intended to be a demonstration program.

Subpart II, the Community-Based Gang Intervention portion of the new part D, contains provisions similar to subpart I but gives priority to community-based organizations and includes provisions to foster the development of regional task forces involving state, local, and community-based organizations to coordinate enforcement, intervention, and treatment efforts for juvenile gang members and to curtail interstate activities of gangs.

Finally a youth may receive assistance under both subparts I and II until he or she attains the age of 22 years. This is a change from current law and reflects the reality that many of the youths involved in gangs are older than 18 years.

Authorization of appropriations

The bill authorizes appropriations (for other than part D) of $150 million for fiscal year 1993, and such sums as may be necessary for fiscal years 1994, 1995, and 1996. Appropriations are also authorized for part D at $25 million each for Subparts I and II for fiscal year 1993 and such sums as may be necessary for fiscal years 1994, 1995, and 1996.

TITLE II

Minimum allotment

H.R. 5194 increases the minimum annual allotment to states and territories from $75,000 to $100,000 and from $30,000 to $45,000, respectively. In increasing the minimum allotments, the committee recognizes the increasing costs of providing emergency services to runaway and homeless youth and their families on a round-the-clock basis, and the effects of inflation on the operating costs of these programs over the past four years.

Geographic distances and the necessity of making services accessible to at-risk youth in sparsely populated communities have forced some States to divide the minimum allotment among several small programs within the State. This shotgun approach has resulted in some programs receiving grants well under $20,000. Increasing the minimum allotments to States and territories would allow for important increases to existing programs, while posing minimal burden on existing programs in other States.

The committee continues to see expenditures for the Runaway and Homeless Youth Program as a cost effective and preventative investment in assisting the Nation's troubled youth and their families.

Street-based and home-based services

Sections 202 and 203 of H.R. 5194 create two new discretionary programs: Street-Based and Home-Based services.

The committee received testimony and data which indicates that while programs serve a majority of those youth who contact local runaway and homeless youth shelters, a significant number of youth never make contact with the shelters. Estimates suggest that

only thirty percent of the population of at-risk youth reach shelter programs.

The committee intends that Street-Based Service programs, designed to reach youth where they congregate and live, will improve the overall effectiveness of the basic center grant by reaching youth who would not otherwise contact a runaway and homeless youth center.

Similarly, while temporary shelter services meet the needs of many at-risk youth who need services outside the home, many others who can remain at home go unserved. The committee received testimony which indicates that serving youth before they have left home, or assisting them in reuniting with their families, is a cost-effective and preventative means of serving youth who might otherwise fall into a life on the street. The committee received background data which further illustrates that in-home services, while often more effective than out-of-home services for some youth, have not been widely available to most youth because of limited funding available to the programs.

The committee anticipates that both of these optional programs will be important adjuncts to the Basic Center grant program, and will improve the overall effectiveness of this Federal effort by providing a more comprehensive network of services.

Parental involvement

The committee heard from several witnesses that one of the best ways to get runaway and homeless youth back on the right track is to get the youth's parents involved. To this end, the committee has added to current law a requirement for Basic Center grantees to develop a plan for encouraging the involvement of parents of runaway and homeless youth in counseling.

Language and cultural minorities

The committee heard testimony at its field hearing in Portland that many youth of foreign descent, and their families, who are in need of services either do not know that these services are available due to language problems, or do not avail themselves of the services because of cultural biases. The amendments to Title III create a language and cultural minority outreach requirement for Basic Centers and add the same to the outreach requirement that already exists for Transitional Living.

Coordination with home school

The committee bill would amend current law to enhance the existing requirement that the Basic Centers work with school system personnel by providing for coordination between the Center and the youth's home school to encourage and assist the youth to remain current with curricula at that school. Successful cooperation will prevent the frustration that youth often experience when returning to their home school because they have fallen behind in the lesson plan.

Grant priority

In addition to increasing the minimum state and territory allocation, the committee has increased from $150,000 to $200,000 the

maximum cost of grants for which priority shall be given by the Secretary in approving applications. While the unique history of this program demonstrates that highly motivated local programs can operate very effectively with a minimum Federal contribution, the fiscal reality suggests that programs can no longer operate on shoestring budgets and youth will go unserved without sufficient funding of these programs.

Grants to private entities and staffing

H.R. 5194 amends section 317 to clarify that nothing in the Act prohibits grants to private entities which are fully controlled by private boards or persons which otherwise meet the requirements of the Act. This section previously only applied to the Basic Center Grant Program.

Additionally, the committee intends to clarify that nothing in this title shall give the Federal Government control over the personnel decisions of local programs receiving funds under this title. This provision previously applied only to the Basic Center Grant Program.

Parental approval

The committee has amended current law to remove the parental approval requirement for the release of records maintained by runaway and homeless youth centers, street-based service programs, or transitional living programs. The committee received testimony which indicated that this requirement has been a barrier for youth attempting to get services from other programs. Medical records from an intake interview at a runaway and homeless youth center, for example, could not be sent to a free medical clinic without the consent of parent or a legal guardian and could deter runaway and homeless youth from seeking services.

H.R. 5194 also modifies current law by restricting access to the records a runaway and homeless youth shelter may maintain on individual youth. Such records will now be protected from access by a government agency involved in the disposition of criminal charges against a youth. Advocacy groups have indicated to the committee that such access by law enforcement agencies would be in conflict with some State laws and would have a deterrent effect on youth who would otherwise pursue services from runaway and homeless youth centers.

Reports

The committee bill modifies the report required of the Secretary to include a summary of the results of Federal evaluations of programs under the title and a description of the training of evaluation personnel. Additionally, the modification directs the Secretary to require an on-site review of each grantee no less than once every three years.

The committee believes that programs funded under this title are vital to the Nation's at-risk youth and that such programs need the guidance and evaluation that Department reports and periodic program reviews provide.

While discussions with service providers has led the committee to conclude that grantees have used Federal dollars to assist runaway

and homeless youth and their families effectively, many service providers reported that they would like increased involvement and technical assistance from trained Federal evaluators. Some service providers also reported that their projects had never been visited by evaluators and further, that their evaluators seemed to have little understanding or knowledge of accounting and other procedures used to report on activities carried out through the Act.

Authorization of appropriations

H.R. 5194 includes an authorization of appropriations of $75,000,000 for all but Part B (including the Basic Center Grant Program) and the Rural Youth Demonstration Project, $25,000,000 for Part B (including the Transitional Living Grant Program), and $1,000,000 for each of the next four fiscal years for a Rural Youth Demonstration Project.

In considering the appropriate level of authorized appropriations for this title, the Committee reviewed such information as the past history of appropriations, the overall financial needs of programs funded under the title, and the cost-effectiveness of the programs funded under this title which reduce the probability of further expenditures for runaway and homeless youth in subsequent years.

For the past four years the Act authorized such sums as may be necessary to carry out the purposes of this title. While this level is unlimited, the committee believes that authorizing a specific dollar amount at this time provides necessary guidance to the Appropriations Committee by illustrating what the committee considers to be required by programs around the country and indicates what the committee expects is a realistic level.

While the appropriations level has risen slightly over the last four years, the number of programs has increased at a faster pace leaving existing programs with smaller grant awards. In addition the impact of inflation of the last four years has reduced the purchasing value of each grant dollar.

The Committee understands that the cost of incarcerating juveniles in adult jails far exceeds any cost that might be incurred by a runaway and homeless youth center or transitional living program. The average annual cost of incarceration in adult jails ranges from $25,000 to $45,000 per person.

National Communications System

H.R. 5194 reserves funds for a National Communications System from the authorization for the Basic Center Grant Program. The National Communications System, a toll-free, twenty-four hour hotline, allows runaway and homeless youth to contact their families and in turn provides parents with a means of communicating with their children. Parents regularly leave messages with hot-line staff in the event that their child may call the toll-free number. In addition, the hot-line can transfer calls from a youth to service providers in the youth's immediate area.

The committee continues to believe that this service will not exist without federal leadership and support. The committee has highlighted the need and the importance of this national effort by expanding the National Communications System to cover all programs and activities funded under this title.

In order to fund the expansion, H.R. 5194 reserves $912,500 for fiscal year 1993, of which $125,000 is available for the acquisition of communications equipment, $826,900 for fiscal year 1994, $868,300 for fiscal year 1995, and $911,700 for fiscal year 1996.

Coordination, training, and research and development

Recognizing the importance of encouraging a continuum of care for runaway and homeless youth, the committee has consolidated the coordination, training, and research and development sections of existing law into a new Part D. Such a consolidation will unify existing efforts to match innovative new approaches to serving youth with the training and technical assistance to programs with these new approaches in mind. The committee continues to believe that there are diverse solutions to diverse problems, and that the leadership and innovation of a program in one community should enhance the effectiveness of programs in other communities, and that this Federal statute should facilitate such exchanges.

Rural youth demonstration project

The committee, in response to testimony and background information received at its field hearing in Grand Island, Nebraska, has established a demonstration project aimed at assisting counties with large geographic distances between population centers to meet the needs of troubled youth.

For rural youth, access to runaway and homeless youth services has been traditionally inhibited because they are often 60, 70, 80 miles or more from the nearest shelter program. A troubled youth generally doesn't even come to the attention of intervention programs until the youth becomes involved with the law enforcement system. Too frequently this doesn't happen until the youth is transported away from home to the nearest detention facility or lock-up, thereby reducing the effectiveness of runaway and homeless youth programs as an alternative to the juvenile justice or law enforcement system.

In an effort to devise strategies for successful programs to meet the needs of rural runaway and homeless youth, the Committee, by unanimously accepting an amendment offered by Representative Bill Barrett at the subcommittee markup, has authorized $1,000,000 for each of the next four years for demonstration projects in rural areas. The funds will go to not more than ten States, and each State may receive no more than two grant awards.

The committee expects that the Department will report to the Congress and the President on the activities of projects funded under this part by September 30th of each fiscal year for which grants are awarded.

TITLE IV

Modification of confidentiality provision regarding State grants under Child Abuse Prevention and Treatment Act

The committee recognizes that there is a problem with State confidentiality laws that in some cases forbid child welfare workers from sharing information about a certain child's case with other government agencies. For example, in a well publicized case in

New York a probation officer twice asked child welfare workers if there was any reason why a mother should not be released from probation, and even though there had been recent reports of abuse of that woman's child the child welfare worker declined to comment citing the confidentiality laws.

Currently, the Federal Child Abuse Prevention and Treatment Act (CAPTA) requires the States to keep child abuse records confidential in order to receive grants under the Act. Some States have passed strict confidentiality laws or strictly interpret existing confidentiality laws in response to the Federal mandate. This title would amend the Federal law to require States to provide for interagency sharing of child abuse records to facilitate a more comprehensive, coordinated approach by States in protecting children against abuse.

It also would emphasize that the confidentiality right in the child abuse records belongs to the child. This is important because there have been several instances where a child has died possibly as a result of the negligence of the child welfare workers, yet the child protective services still will not release information regarding the death of the child. In other words, the child protective services will hide behind the cloak of the confidentiality laws, even though after the child dies there is no need to protect the privacy of the child.

The second recurring complaint of child protection services is the lack of accountability in the child protective services. There is little public accountability of these agencies, partly because of the confidentiality laws, but also because there is little governmental oversight of these large bureaucracies.

This title would express the sense of Congress that States should create autonomous interagency, multi-disciplinary teams to review cases of death thought to have been caused by child abuse, or egregious cases of suspected child abuse where there is evidence that the child's case is not being handled adequately by the child protection services. These review teams would then make recommendations regarding an individual case or on systemic changes that are necessary. Currently eight States have established, by statute, review teams that examine only child fatalities. This title expresses the sense of Congress that these review teams should go a step further and also examine serious child abuse cases before the child dies.

Oversight Statement

In compliance with clause 2(l)(3)(A) of rule XI of the Rules of the House of Representatives, this report embodies the finding and recommendations of the Subcommittee on Human Resources, established pursuant to clause 2(b)(1) of rule X of the Rule of the House of Representatives and rule 18(a) of the Rules of the Committee on Education and Labor. Pursuant to its responsibilities, the committee has determined that legislation should be enacted as set forth in H.R. 5194.

In conjunction with the committee's jurisdictional matter action on this legislation, communication was received from the Committee on the Judiciary concerning changes in operations within the

Department of Justice resulting from changes in law included in H.R. 5194. That exchange of communications is set forth below:

COMMITTEE ON EDUCATION AND LABOR,
Washington, DC, June 26, 1992.

Hon. JACK BROOKS,
Chairman, Committee on the Judiciary,
Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: I write with reference to your letter concerning action by the Committee on Education and Labor in reporting H.R. 5194, making amendments to the Juvenile Justice and Delinquency Prevention Act of 1974.

I fully appreciate your concern over the need for continued consultation between the Office of Juvenile Justice and Delinquency Prevention (OJJDP), the National Institute of Justice, and the Bureau of Justice Statistics, notwithstanding the proposed removal of OJJDP from the Office of Justice Programs in an effort to enhance the effectiveness of OJJDP. I assure you that the committee's report on this legislation will reflect our shared intention in that regard. In addition, I will include your letter concerning this matter in the committee report.

With kind regards,
Sincerely,

WILLIAM D. FORD,
Chairman.

COMMITTEE ON THE JUDICIARY,
Washington, DC, June 15, 1992.

Hon. WILLIAM D. FORD,
Chairman, Committee on Education and Labor,
Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: I am writing in regard to a provision of H.R. 5194, making amendments to the Juvenile Justice and Delinquency Prevention Act of 1974, which was recently ordered reported by the Committee on Education and Labor. A provision of H.R. 5194 would remove the Office of Juvenile Justice and Delinquency Prevention (OJJDP) from the Department of Justice's Office of Justice Programs and establish a direct reporting relationship with the Attorney General.

As you know, under current law the Office of Justice Programs has certain responsibilities in regard to its component bureaus, including OJJDP. In addition, the present authorizing statute, 42 U.S.C. § 3789(i), calls for consultation between the National Institute of Justice, the Bureau of Justice Statistics and OJJDP "in developing and implementing programs in the juvenile justice and delinquency prevention field." It is my hope that such consultation will continue notwithstanding the removal of OJJDP from the Office of Justice Programs, and I would welcome report language expressing your Committee's intentions in that regard.

I would very much appreciate your including this letter in your Committee's report on H.R. 5194. Thank you for your assistance in this matter, and with every good wish, I am

Sincerely,

JACK BROOKS,
Chairman.

INFLATIONARY IMPACT STATEMENT

In compliance with clause 2(l)(4) of rule XI of the Rules of the House of Representatives, the committee estimates that the enactment of H.R. 5194 will have little inflationary impact on the prices and costs in the operation of the national economy. It is the judgment of the committee that the inflationary impact of this legislation as a component of the Federal budget is negligible.

OVERSIGHT FINDING AND RECOMMENDATIONS OF THE COMMITTEE ON GOVERNMENT OPERATIONS

In compliance with clause 2(l)(3)(D) of rule XI of the Rules of the House of Representatives, the committee states that no findings or recommendations of the Committee on Government Operations were submitted to the committee.

COST OF THIS LEGISLATION

CONGRESSIONAL BUDGET OFFICE ESTIMATE

In compliance with clause 2(l)(3) (B) and (C) of rule XI of the Rules of the House of Representatives, the estimate prepared by the Congressional Budget Office pursuant to section 403 of the Congressional Budget Act of 1974, submitted prior to the filing of this report, is set forth as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 29, 1992.

Hon. WILLIAM D. FORD,
Chairman, Committee on Education and Labor,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed H.R. 5194, the Juvenile Justice and Delinquency Prevention Amendments of 1992.

Enactment of H.R. 5194 would not affect direct spending or receipts. Therefore, pay-as-you-go procedures would not apply to the bill.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

ROBERT D. REISCHAUER,
Director.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

1. Bill number: H.R. 5194.
2. Bill title: Juvenile Justice and Delinquency Prevention Amendments of 1992.

3. Bill status: As ordered reported by the House committee on Education and Labor, May 20, 1992.

4. Bill purpose: Title I of H.R. 5194 would amend the Juvenile Justice and Delinquency Prevention Act of 1974. This title would:

Authorize appropriations of $150 million for fiscal year 1993 and such sums as may be necessary for fiscal years 1994 through 1996 for juvenile justice and delinquency prevention programs;

Authorize $25 million for fiscal year 1993 and such sums as may be necessary for fiscal years 1994 through 1996 for programs related to gang-free schools and communities;

Authorize $25 million for fiscal year 1993 and such sums as may be necessary for fiscal years 1994 through 1996 for community-based gang intervention programs; and

Make several other revisions to the Juvenile Justice and Delinquency Prevention Act of 1974.

Title II would amend the Runaway and Homeless Youth Act. This title would:

Authorize $75 million for fiscal year 1993 and such sums as may be necessary for fiscal years 1994 through 1996 for grants to runaway and homeless youth programs;

Authorize $25 million for fiscal year 1993 and such sums as may be necessary for fiscal years 1994 through 1996 for transitional living grant programs for homeless youths;

Authorize $1 million for each of fiscal years 1993 through 1996 for demonstration projects in rural area for runaway and homeless youths; and

Make several other revisions to the Runaway and Homeless Youth Act.

Title III would authorize such sums as may be necessary for fiscal years 1993 through 1996 to carry out the provisions of the Missing Children's Assistance Act.

5. Estimated cost to the Federal Government:

[By fiscal year, in millions of dollars]

	1993	1994	1995	1996	1997
Estimated authorization level	310	320	331	344	
Estimated outlays	73	224	309	331	259

The costs of this bill fall within budget functions 750 and 500.

Basis of estimate: The estimate assumes that the Congress will appropriate the full amounts authorized for each fiscal year. For programs with specific amounts authorized for 1993 and such sums authorizations for subsequent years, CPO projected the indefinite authorizations by adjusting the 1993 level for inflation. For Title III of the bill we projected the indefinite 1993–1997 authorizations by inflating the 1992 appropriation, which was about $8.5 million. The outlay estimates are based on the historical spending rates for these or similar activities. Detailed information is shown in the table below.

[By fiscal year, in millions of dollars]

	1993	1994	1995	1996	1997
Title I (Function 750):					
Juvenile justice and delinquency prevention:					
Estimated authorization level	150	155	160	166	.....
Estimated outlays	33	91	147	159	127
Gang-free schools and communities:					
Estimated authorization level	25	26	27	28	.....
Estimated outlays	6	15	24	27	21
Community-based gang intervention:					
Estimated authorization level	25	26	27	28	.....
Estimated outlays	6	15	24	27	21
Title II (Function 500):					
Runaway and homeless youth:					
Estimated authorization level	75	77	80	83	.....
Estimated outlays	21	73	78	81	60
Transitional living grants:					
Estimated authorization level	25	26	27	28	.....
Estimated outlays	5	24	26	27	22
Demonstration projects in rural areas:					
Estimated authorization level	1	1	1	1	.....
Estimated outlays	(1)	1	1	1	1
Title III (Function 750):					
Missing children:					
Estimated authorization level	9	9	9	10	.....
Estimated outlays	2	5	9	9	7
Total H.R. 5194:					
Estimated authorization level	310	320	331	344	.....
Estimated outlays	73	224	309	331	259

[1] Less than $500,000.

6.6. Pay-as-you-go considerations: The Budget Enforcement Act of 1990 sets up pay-as-you-go procedures for legislation affecting direct spending or receipts through 1995. CBO estimates that enactment of H.R. 5194 would not affect direct spending or receipts. Therefore, pay-as-you-go procedures would not apply to the bill.

7. Estimated cost to State and local governments: None.

8. Estimate comparison: None.

9. Previous CBO estimate: None.

10. Estimate prepared by: Mark Grabowicz and Joshua Leichter.

11. Estimate approved by: C.G. Nuckols, Assistant Director for Budget Analysis.

Commitee Estimates

With reference to the statement required by clause 7(a)(1) of rule XIII of the Rules of the House of representatives, the committee accepts the estimate prepared by the Congressional Budget Office.

Section-by-Section Analysis

TITLE I

Section 101 amends section 102(b) of the Act by adding, as a congressional policy, the encouragement of parental involvement in treatment and alternative disposition programs; and coordination of services between State, local and community-based agencies.

Section 102 amends section 103(16) by requiring that certain procedures be followed by juvenile courts prior to the issuance of a valid court order and adds new paragraphs (19) defining "comprehensive and coordinated services", (20) defining "gender-specific services", (21) defining "hate crime", (22) defining "home-based alternative services", and (23) defining "jail or lockup for adults".

Section 103 amends section 201(b) to establish a direct reporting relationship between the Administrator of the Office of Juvenile Justice and Delinquency Prevention and the Attorney General.

Section 104 amends section 204(a) by requiring the Administrator to develop a long-term plan for the administration of the Office, an annual review of the plan and publication in the Federal Register, and requiring the Administrator to issue model standards for providing health care to incarcerated juveniles.

Section 105 amends section 206, changing the composition of the Coordinating Council by removing certain members and adding practitioners from the field of juvenile justice who will serve in an advisory capacity and make recommendations on the development of a recommended long term plan for the administration of the Office and for the coordination of all Federal juvenile delinquency programs.

Section 106 amends section 207(1) by adding as required elements of juveniles custody status reports two new features: juveniles treated as adults for purposes of prosecution and the educational status of juveniles.

Section 107 amends section 222(c) to require States to provide one full-time staff person to carry out the State plan.

Section 108 amends section 223(a) requiring State plans to include, as a condition for meeting the terms of the Act, educational, home-based and family-involved alternative services, methods to reduce language barriers; prevention and reduction of hate crimes as advanced techniques in the provision of preventive and interventive juvenile justice services; a prohibition on the use of common staff for juvenile and adult facilities and collocation of juveniles and adults in such facilities; an analysis of gender-specific services, rural services, and mental health services; and an assurance that additional funds above 105 percent of the amount received in fiscal year 1992 be expended on comprehensive and coordinated community systems of services. Section 108 also provides for the reduction of funds through the State formula grant for non-compliance of the Acts four (4) mandates.

Section 109 amends section 242(3) to include the collection and dissemination of drug and alcohol program and gender-specific program data as part of the clearinghouse functions of the National Institute for Juvenile Justice of Delinquency Prevention.

Section 110 amends section 243 to authorize the support of research related to hate crimes and to require the Administrator to make available to the public the results of all evaluations and research and demonstration, activities authorized under the section.

Section 111 amends section 244(2) to authorize the Administrator to provide training for persons working with juveniles who commit hate crimes.

Section 112 amends section 245 to include training designed to prevent hate crimes in the training curriculum of the Institute.

Section 113 amends section 246 requiring the Administrator to design and supervise a curriculum that includes the prevention of hate crimes.

Section 114 amends section 248 to require the Administrator to conduct a study of the incidence of violence committed by or against juveniles in urban and rural areas in the United States and to conduct a study assessing available Federal, State, and local data relating to hate crimes.

Section 115 amends section 261 to include home-based treatment, parent self-help and hate crime prevention programs as special emphasis prevention and treatment programs, requires that law-related education programs be targeted to at-risk youth, and prohibits the Administrator from making any grants to any other entity of the Department of Justice.

Section 116 amends section 262(d)(1) to require that all discretionary grants be made on a competitive basis except in the event that the President declares a state of emergency or disaster.

Section 117 amends Part D of Title II of JJDPA to create gang-free schools and community-based gang prevention and intervention programs which provide for a continuum of services from school to community and from youth at risk of becoming gang members to hard-core gang members.

Section 118 amends section 291 to authorize appropriations (for other than Part D) of $150 million for fiscal year 1993, and such sums as may be necessary for fiscal years 1994, 1995, and 1996. It also authorizes appropriations for Part D at $25 million each for Subparts I and II for fiscal year 1993 and such sums as may be necessary for fiscal years 1994, 1995, and 1996.

TITLE II

Section 201 amends section 302 to include additional findings.

Section 202 amends section 311 to require the minimum annual State allotment to be $100,000 and the minimum annual allotment to the Territories to be $45,000. In addition, section 202 provides authority to make grants for two additional projects subject to an increase in appropriations within the Basic Center, and describes the covered activities for such projects.

Section 203 amends section 312 to require additional assurances by grantees in submitting grant applications, and describes the requirements and eligibility of the street-based and home-based projects authorized by the Act.

Section 204 amends section 316 to require that a priority be given to the approval of grants smaller than $200,000.

Section 205 amends section 317 to clarify the applicability of language related to grantee eligibility under the title.

Section 206 amends section 322 to eliminate parental approval for the release of certain documents by the center. Required approval for release will be by informed consent of the youth alone.

Section 207 amends section 361 to require collection of data regarding runaway and homeless youth centers funded under the title, excluding Part B. In addition, this section requires that each grantee be evaluated on-site no less than once in three years, and that a report shall be submitted including the evaluations of these

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programs and a description of the training given to staff who evaluate these programs.

Section 208 amends section 366 to authorize appropriations for the next four years as follows: (1) $75,000,000 in fiscal year 1993 and such sums as may be necessary in fiscal years 1994, 1995, and 1996 for all but Part B; (2) $25,000,000 in fiscal year 1993 and such sums as may be necessary in fiscal years 1994, 1995, and 1996 for Part B; (3) $912,500, of which $125,000 shall be available for the acquisition of communications equipment, for fiscal year 1993, $826,900 for fiscal year 1994, $868,300 for fiscal year 1995, and $911,700 for fiscal year 1996, for Part C; and (4) $1,000,000 in fiscal years 1993, 1994, 1995, and 1996 for section 344.

Section 209 creates a new Part C by moving section 313 and renumbering it section 331, to expand the coverage of the National Communications System; creates a new Part D that includes previous sections 314, 315, 365, and renumbers them sections 341, 342, and 343 respectively, to consolidate coordination, training, and research and demonstration projects within the title; includes a temporary demonstration project (section 344) for services in rural areas; and includes amendments to conform the Title to the renumbered sections.

TITLE III

Section 301 amends section 407 to extend authorization of appropriations for the Missing Children's Assistance Act through fiscal year 1996.

TITLE IV

Section 401 creates a list of findings relative to the need for comprehensive and coordinated interagency communication needs.

Section 402 amends section 107(b)(4) of the Child Abuse Prevention and Treatment Act to require states to establish procedures to provide for sharing of child abuse information among State agencies and other entities as may be necessary only to the extent appropriate for purposes of protection of the child involved.

Section 403 provides a sense of the Congress that States should review and reform their systems for protecting children against abuse and neglect, and that States should implement interagency, multidisciplinary review teams to investigate and make recommendations on cases of child death where the child was previously known to the State to have been abused or neglected, or cases of negligent handling by State child protection services before the child dies.

TITLE V

Section 501 makes conforming technical amendments to the Act.

Section 502 amends the Act to make the effective date of this bill the date on enactment, except for section 108(a)(7) (related to the detention or confinement of juveniles in adult jails or lockups) which becomes effective January 1, 1993. Amendments shall not apply to applications for fiscal years beginning before October 1, 1992.

ADMINISTRATION VIEWS

Set forth below are views of the Department of Health and Human Services on the bill, H.R. 5194.

SECRETARY OF HEALTH AND HUMAN SERVICES,
Washington, DC, June 23, 1992.

Hon. WILLIAM FORD,
Chairman, Committee on Education and Labor,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: We take this opportunity to inform you of this Department's views on H.R. 5194, the "Juvenile Justice and Delinquency Prevention Amendments of 1992", as reported by the House Committee on Education and Labor. The bill amends programs under the Juvenile Justice and Delinquency Prevention Act of 1974 (JJDPA), the Runaway and Homeless Youth Act, the Missing Children's Assistance Act, and the Child Abuse Prevention and Treatment Act (CAPTA).

In summary, we strongly oppose the provision in the bill that amends the State law confidentiality requirement of CAPTA. In addition, we prefer the Administration's proposal to consolidate three programs for runaway and homeless youth to the corresponding provisions of H.R. 5194, although we have no major objections to the amendments to the Runaway and Homeless Youth Act apart from our objection to the excessive authorization levels. Finally, we defer to the Department of Justice regarding amendments to those provisions of the JJDPA which it administers.

CHILD ABUSE PREVENTION AND TREATMENT

We strongly oppose section 402 of H.R. 5194, amending section 107(b)(4) of CAPTA. That provision currently requires States, as a condition of receiving CAPTA grants, to "provide for methods to preserve the confidentiality of all records in order to protect the rights of the child and of the child's parents or guardians". This broad principle that the confidentiality of both children and their parents and guardians shall be protected, in combination with other statutory provisions for appropriate disclosures, has been interpreted in regulations to restrict disclosure to a very narrow and specific list of persons who have a clear responsibility to protect the welfare of children. We believe that this is an appropriate rule: the scheme of confidentiality protection balanced with essential, yet narrow, disclosures is essentially correct.

Section 402 of the bill, by reframing this rule in terms of disclosure, would eliminate any broad statement of principle that confidentiality should be protected. Specifically, it would eliminate the fundamental language regarding the confidentiality rights of the child's parents or guardians. This safeguard is of critical importance, for example in situations where a parent or guardian is the subject of false and malicious accusations of child abuse or neglect, or where the information indicating child abuse and neglect comes to light because the parent has sought treatment for mental illness or substance abuse and disclosure would not be in the best interest of either the parent or the child.

Section 402 would explicitly permit any disclosure considered necessary to carry out the State's responsibilities to investigate allegations of child abuse or neglect and to take steps to protect abused or neglected children, with the single exception of "disclosures of the identity of the subject of a substantiated allegation", which may be made "only to the extent appropriate for purposes of * * * protection [of the child involved]". This narrow exception contains several undefined or ambiguous terms, but it is difficult to give it any reading that would not bar certain appropriate disclosures while permitting certain inappropriate ones. For example, while we cannot believe the sponsor of this provision intended this result, it would seem to us that this language could be read—

To bar disclosure (for example, to a child death review team) of the identity of the individual whose abuse caused the death of the abused child, since no disclosure could serve to "protect the child involved"; and

To provide no protection against disclosure for an individual who is the subject of an unsubstantiated false allegation.

Ambiguities in this language raise many questions: Who is the "subject" of an allegation—the abuser, the abused, or both? What is the meaning of "protection of the child involved"? Does it exclude the sibling of an abused child? What about other children with whom the abuser comes in contact? How rigorous a standard of verification is required for a "substantiated" allegation?

Given the many uncertainties presented by this language, we would expect any interpretation we might give it to be subject to legal challenge, with the result that States subject to this requirement (and persons subject to the corresponding State laws) would, for an extended period, be left in doubt as to their rights and obligations regarding confidentiality and disclosure.

For all the foregoing reasons, we are strongly of the view that this amendment is significantly inferior to current law, and should be dropped from the bill. It is our belief that this language was included because of the misconception that the current statute barred certain appropriate disclosures. This is not the case, and the Department would be happy to work with the Committee to clarify these matters.

RUNAWAY AND HOMELESS YOUTH

As an alternative to title III of H.R. 5194, we urge the House to consider the Adminstration's runaway and homeless youth bill, H.R. 5261. This proposal would consolidate three Federal programs serving runaway and homeless youth into a single, comprehensive grant program. This consolidation would permit provision of more comprehensive services at the local level, provide greater flexibility to local service providers, and reduce administrative burdens associated with applying for and administering three separate Federal grants. Total authorizations of appropriations under the new comprehensive authority would be maintained at the FY 1992 level of total appropriations for the three separate programs

In contrast, the authorization levels proposed in H.R. 5194 for programs under the Runaway and Homeless Youth Act represent significant increases over current funding levels and are, therefore,

inconsistent with the budget ceilings established in the Budget Enforcement Act of 1990. Given the size of the Federal deficit, we recommend that the authorization for these programs be held to the FY 1992 funding level. Further, we oppose the amount of the earmark for the National Communication System because it is a significant increase over the $750,000 earmarked in FY 1992 and would further restrict the coordination activities, and research, demonstration and evaluation projects, all important activities authorized by the Act.

JUVENILE JUSTICE AND DELINQUENCY PREVENTION

Finally, although we defer to the Department of Justice regarding amendments to the JJDPA, we note that the new Gang-Free Schools and Communities Program proposed in H.R. 5194 would substantially duplicate the Drug Education and Prevention Relating to Youth Gangs Program administered by this Department. This new program creates an unnecessary, separate funding stream for local projects with the same purpose.

The Office of Management and Budget has advised us that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

LOUIS W. SULLIVAN, M.D.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974

TITLE I—FINDINGS AND DECLARATION OF PURPOSE

* * * * * * *

PURPOSE

SEC. 102. (a) * * *

(b) It is therefore the further declared policy of Congress to provide the necessary resources, leadership, and coordination (1) to develop and implement effective methods of preventing and reducing juvenile delinquency, including methods with a special focus on maintaining and strengthening the family unit so that juveniles may be retained in their homes; (2) to develop and conduct effective programs to prevent delinquency, to divert juveniles from the traditional juvenile justice system and to provide critically needed alternatives to institutionalization; (3) to improve the quality of juvenile justice in the United States; [and] (4) to increase the capacity of State and local governments and public and private agencies to conduct effective juvenile justice and delinquency prevention and rehabilitation programs and to provide research, evaluation, and training services in the field of juvenile delinquency prevention; *(5)*

to encourage parental involvement in treatment and alternative disposition programs; and (6) to provide for coordination of services between State, local, and community-based agencies and to promote interagency cooperation in providing such services.

DEFINITIONS

SEC. 103. For purposes of this Act—

(1) * * *

* * * * * * * *

[(16) the term "valid court order" means a court order given by a juvenile court judge to a juvenile who has been brought before the court and made subject to a court order. The use of the word "valid" permits the incarceration of juveniles for violation of a valid court order only if they received their full due process rights as guaranteed by the Constitution of the United States;]

(16) the term "valid court order" means a court order given by a juvenile court judge to a juvenile—

(A) who was brought before the court and made subject to such order;

(B) who received, before the issuance of such order, the full due process rights guaranteed to such juvenile by the Constitution of the United States;

(C) with respect to whom an appropriate public agency (other than a court or law enforcement agency), before the issuance of such order—

(i) reviewed the behavior of such juvenile and the circumstances under which such juvenile was brought before the court and made subject to such order;

(ii) determined the reasons for the behavior that caused such juvenile to be brought before the court and made subject to such order;

(iii) determined that all dispositions (including treatment), other than placement in a secure detention facility or a secure correctional facility, have been exhausted or are clearly inappropriate; and

(iv) submitted to the court a written report stating the results of the review conducted under clause (i) and the determinations made under clauses (ii) and (iii);

(17) the term "Council" means the Coordinating Council on Juvenile Justice and Delinquency Prevention established in section 206(a)(1); [and]

(18) the term "Indian tribe" means—

(A) a federally recognized Indian tribe; or

(B) an Alaskan Native organization[.];

(19) the term "comprehensive and coordinated system of services" means a system that—

(A) ensures that services and funding for the prevention and treatment of juvenile delinquency are consistent with policy goals of preserving families and providing appropriate services in the least restrictive environment so as to simultaneously protect juveniles and maintain public safety;

(B) identifies, and intervenes early for the benefit of, young children who are at risk of developing emotional or behavioral problems because of physical or mental stress or abuse, and for the benefit of their families;

(C) increases interagency collaboration and family involvement in the prevention and treatment of juvenile delinquency; and

(D) encourages private and public partnerships in the delivery of services for the prevention and treatment of juvenile delinquency;

(20) the term "gender-specific services" means services designed to address needs unique to the gender of the individual to whom such services are provided;

(21) the term "hate crime" means an offense that manifests evidence of prejudice based on race, religion, sexual orientation, or ethnicity;

(22) the term "home-based alternative services" means services provided to a juvenile in the home of the juvenile as an alternative to incarcerating the juvenile, and includes home detention; and

(23) the term "jail or lockup for adults" means a locked facility that is used by a State, unit of local government, or any law enforcement authority to detain or confine adults—

(i) pending the filing of a charge of violating a criminal law;

(ii) awaiting trial on a criminal charge; or

(iii) convicted of violating a criminal law.

TITLE II—JUVENILE JUSTICE AND DELINQUENCY PREVENTION

PART A—JUVENILE JUSTICE AND DELINQUENCY PREVENTION OFFICE

ESTABLISHMENT OF OFFICE

SEC. 201. (a) * * *

(b) The Office shall be headed by an Administrator (hereinafter in this title referred to as the "Administrator") appointed by the President, by and with the advice and consent of the Senate, from among individuals who have had experience **[**in juvenile justice programs**]** *as practitioners in the field of juvenile justice.* The Administrator is authorized to prescribe regulations consistent with this **[**Act**]** *title* to award, administer, modify, extend, terminate, monitor, evaluate, reject, or deny all grants and contracts from, and applications for, funds made available under this title. **[**The Administrator shall report to the Attorney General through the Assistant Attorney General who heads the Office of Justice Programs under part A of title I of the Omnibus Crime Control and Safe Streets Act of 1968.**]** *There shall be a direct reporting relationship between the Administrator and the Attorney General. In the performance of the functions of the Administrator, the Administrator shall be directly responsible to the Attorney General. The Attor-*

ney General may not delegate any power, duty, or function vested under this title or title II in the Attorney General.

* * * * * * *

SEC. 202. (a) * * *

(b) The Administrator is authorized to select, appoint, and employ not to exceed three officers and to fix their compensation at rates not to exceed the rate now or hereafter [prescribed for GS–18 of the General Schedule by section 5332] *payable under section 5376* of title 5 of the United States Code.

(c) Upon the request of the Administrator, the head of any Federal agency is authorized to detail, on a reimbursable basis, any of its personnel to the Administrator to assist the Administrator in carrying out the functions of the Administrator under this [Act] *title*.

(d) The Administrator may obtain services as authorized by section 3109 of title 5 of the United States Code, at rates not to exceed the rate now or hereafter [prescribed for GS–18 of the General Schedule by section 5332] *payable under section 5376* of title 5 of the United States Code.

* * * * * * *

SEC. 204. (a)*(1)* The Administrator shall [implement overall policy and develop objectives and priorities] *develop objectives, priorities, and a long-term plan, and implement overall policy and a strategy to carry out such plan*, for all Federal juvenile delinquency programs and activities relating to prevention, diversion, training, treatment, rehabilitation, evaluation, research, and improvement of the juvenile justice system in the United States. In carrying out the functions of the Administrator, the Administrator shall consult with the Council.

(2)(A) Such plan shall—

(i) contain specific goals and criteria for making grants and contracts, for conducting research, and for carrying out other activities under this title;

(ii) provide for coordinating the administration programs and activities under this title with the administration of all other Federal juvenile delinquency programs and activities, including proposals for joint funding to be coordinated by the Administrator.

(B) The Administrator shall review such plan annually, revise such plan as the Administrator considers appropriate, and publish such plan in the Federal Register—

(i) not later than 240 days after the enactment of the Juvenile Justice and Delinquency Prevention Amendments of 1992, in the case of the initial plan required by paragraph (1); and

(ii) except as provided in clause (i), in the 30-day period ending on October 1 of each year.

(b) In carrying out the purposes of this [Act] *title*, the Administrator shall—

(1) * * *

* * * * * * *

(5)(A) * * *

(B) taking into consideration comments received during the 45-day period beginning on the date the proposed plan is published, develop and publish a final plan, before December 31 of such fiscal year, describing the particular activities which the Administrator intends to carry out under parts C and D in such fiscal year, specifying in detail those activities designed to satisfy the requirements of parts C and D; [and]

(6) provide for the auditing of monitoring systems required under section 223(a)(15) to review the adequacy of such systems[.]*; and*

(7) not later than 1 year after the date of the enactment of the Juvenile Justice and Delinquency Prevention Amendments of 1992, issue model standards for providing health care to incarcerated juveniles.

* * * * * * *

[(f) The Administrator is authorized to transfer funds appropriated under this section to any agency of the Federal Government to develop or demonstrate new methods in juvenile delinquency prevention and rehabilitation and to supplement existing delinquency prevention and rehabilitation programs which the Administrator finds to be exceptionally effective or for which the Administrator finds there exists exceptional need.

[(g) The Administrator is authorized to make grants to, or enter into contracts with, any public or private agency, organization, institution, or individual to carry out the purposes of this title.]

* * * * * * *

COORDINATING COUNCIL ON JUVENILE JUSTICE AND DELINQUENCY PREVENTION

SEC. 206. (a)(1) There is hereby established, as an independent organization in the executive branch of the Federal Government a Coordinating Council on Juvenile Justice and Delinquency Prevention composed of the Attorney General, the Secretary of Health and Human Services, the Secretary of Labor, the Secretary of Education, the Secretary of Housing and Urban Development, [the Director of the Office of Community Services, the Director of the Office of Drug Abuse Policy, the Director of the ACTION Agency, the Director of the Bureau of Prisons, the Commissioner of the Bureau of Indian Affairs, the Director for the Office of Special Education and Rehabilitation Services, the Commissioner for the Administration for Children, Youth, and Families, and the Director of the Youth Development Bureau, or their respective designees, Assistant Attorney General who heads the Office of Justice Programs, Director of the Bureau of Justice Assistance, the Administrator of the Office of Juvenile Justice and Delinquency Prevention, the Director of the National Institute of Justice, and representatives of such other agencies as the President shall designate.] *the Administrator of the Office of Juvenile Justice and Delinquency Prevention, the Director of Drug Abuse Policy, the Director of the ACTION Agency, and individuals appointed under paragraph (2).*

[(2) Any individual designated under this section shall be selected from individuals who exercise significant decisionmaking authority in the Federal agency involved.]

(2)(A) Nine members shall be appointed, without regard to political affiliation, to the Council in accordance with this paragraph from among individuals who are practitioners in the field of juvenile justice and who are not officers or employees of the United States.

(B)(i) Three members shall be appointed by the Speaker of the House of Representatives, after consultation with the minority leader of the House of Representatives.

(ii) Three members shall be appointed by the majority leader of the Senate, after consultation with the minority leader of the Senate.

(iii) Three members shall be appointed by the President.

(C)(i) Of the members appointed under each of clauses (i), (ii), and (iii)—

(I) 1 shall be appointed for a term of 1 year;

(II) 1 shall be appointed for a term of 2 years; and

(III) 1 shall be appointed for a term of 3 years;

as designated at the time of appointment.

(ii) Except as provided in clause (iii), a vacancy arising during the term for which an appointment is made may be filled only for the remainder of such term.

(iii) After the expiration of the term for which a member is appointed, such member may continue to serve until a successor is appointed.

* * * * * * *

(c)(1) The function of the Council shall be to coordinate all Federal juvenile delinquency programs and all Federal programs relating to missing and exploited children. The Council *shall examine how the separate programs can be coordinated among Federal, State, and local governments to better serve at-risk children and juveniles and* shall make recommendations to the President and to the Congress at least annually with respect to the coordination of overall policy and development of objectives and priorities for all Federal juvenile delinquency programs and activities. The Council shall review the programs and practices of Federal agencies and report on the degree to which Federal agency funds are used for purposes which are consistent or inconsistent with the mandates of paragraphs (12)(A), (13), and (14) of section 223(a) of this title. The Council shall review, and make recommendations with respect to, any joint funding proposal undertaken by the Office of Juvenile Justice and Delinquency Prevention and any agency represented on the Council. The Council shall review the reasons why Federal agencies take juveniles into custody and shall make recommendations regarding how to improve Federal practices and facilities for holding juveniles in custody.

(2) In addition to performing their functions as members of the Council, the members appointed under subsection (a)(2) shall collectively—

(A) make recommendations regarding the development of the objectives, priorities, and the long-term plan, and the implemen-

tation of overall policy and the strategy to carry out such plan, referred to in section 204(a)(1); and

(B) not later than 180 days after the date of the enactment of the Juvenile Justice and Delinquency Prevention Act of 1992, submit such recommendations to the Administrator, the Chairman of the Committee on Education and Labor of the House of Representatives, and the Chairman of the Committee on the Judiciary of the Senate.

* * * * * * *

(f) *Members appointed under subsection (a)(2) shall serve without compensation.* Members of the Council [who are employed by the Federal Government full time] shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in carrying out the duties of the Council.

* * * * * * *

ANNUAL REPORT

SEC. 207. Not later than 180 days after the end of a fiscal year, the Administrator shall submit to the President, the Speaker of the House of Representatives, and the President pro tempore of the Senate a report that contains the following with respect to such fiscal year:

(1) A detailed summary and analysis of the most recent data available regarding the number of juveniles taken into custody, the rate at which juveniles are taken into custody, and the trends demonstrated by the data required by subparagraphs (A), (B), and (C). Such summary and analysis shall set out the information required by subparagraphs (A), (B), (C), and (D) separately for juvenile nonoffenders, juvenile status offenders, and other juvenile offenders. Such summary and analysis shall separately address with respect to each category of juveniles specified in the preceding sentence—

(A) * * *

* * * * * * *

(D) the types of facilities used to hold the juveniles *(including juveniles treated as adults for purposes of prosecution)* in custody, including secure detention facilities, secure correctional facilities, jails, and lockups; [and]

(E) the number of juveniles who died while in custody and the circumstances under which they died[.]*; and*

(F) the educational status of juveniles, including information relating to learning disabilities, failing performance, grade retention, and dropping out of school.

* * * * * * *

PART B—FEDERAL ASSISTANCE FOR STATE AND LOCAL PROGRAMS

* * * * * * *

ALLOCATION

SEC. 222. (a) * * *

* * * * * * *

(c) In accordance with regulations promulgated under this part, a portion of any allotment to any State under this part shall be available to develop a State plan or for other pre-award activities associated with such State plan, and to pay that portion of the expenditures which are necessary for efficient administration, including monitoring [and evaluation], *evaluation, and one full-time staff position.* Not more than 7½ per centum of the total annual allotment of such State shall be available for such purposes, except that any amount expended or obligated by such State, or by units of general local government or any combination thereof, from amounts made available under this subsection shall be matched (in an amount equal to any such amount so expended or obligated) by such State, or by such units or combinations, from State or local funds, as the case may be. The State shall make available needed funds for planning and administration to units of general local government or combinations thereof within the State on an equitable basis.

* * * * * * *

STATE PLANS

SEC. 223. (a) In order to receive formula grants under this part, a State shall submit a plan for carrying out its purposes applicable to a 3-year period. Such plan shall be amended annually to include new programs, and the state shall submit annual performance reports to the Administrator which shall describe progress in implementing programs contained in the original plan, and shall describe the status of compliance with State plan requirements. In accordance with regulations which the Administrator shall prescribe, such plan shall—

(1) * * *

* * * * * * *

(3) provide for an advisory group appointed by the chief executive of the State to carry out the functions specified in subparagraph (F), and to participate in the development and review of the State's juvenile justice plan prior to submission to the supervisory board for final action and (A) which shall consist of not less than 15 and not more than 33 persons who have training, experience, or special knowledge concerning the prevention and treatment of juvenile delinquency or the administration of juvenile justice, (B) which shall include locally elected officials, representation of units of local government, law enforcement and juvenile justice agencies such as law enforcement, correction or probation personnel, and juvenile or family court judges, and public agencies concerned with delinquency prevention or treatment such as welfare, social services, mental health, education, special education, *recreation,* or youth services departments, (C) which shall include (i) representatives of private organizations, including those with a spe-

cial focus on maintaining and strengthening the family unit, those representing parents or parent groups, those concerned with delinquency prevention and treatment and with neglected or dependent children, and those concerned with the quality of juvenile justice, education, or social services for children; (ii) representatives of organizations which utilize volunteers to work with delinquents or potential delinquents; (iii) representatives of community based delinquency prevention or treatment programs; (iv) representatives of business groups or businesses employing youth; (v) youth workers involved with alternative youth programs; and (vi) persons with special experience and competence in addressing the problems of the family, school violence and vandalism, and learning disabilities, (D) a majority of whose members (including the chairman) shall not be full-time employees of the Federal, State, or local government, (E) at least one-fifth of whose members shall be under the age of 24 at the time of appointment, and at least 3 of whose members shall have been or shall currently be under the jurisdiction of the juvenile justice system; and (F) which (i) shall, consistent with this title, advise the State agency designated under paragraph (1) and its supervisory board; (ii) shall submit to the Governor and the legislature at least annually recommendations with respect to matters related to its functions, including State compliance with the requirements of paragraphs (12), (13), and (14); (iii) shall have an opportunity for review and comment on all juvenile justice and delinquency prevention grant applications submitted to the State agency designated under paragraph (1), except that any such review and comment shall be made no later than 30 days after the submission of any such application to the advisory group; (iv) may be given a role in monitoring State compliance with the requirements of paragraphs (12), (13), and (14), in advising on State agency designated under paragraph (1) and local criminal justice advisory board composition, and in review of the progress and accomplishments of juvenile justice and delinquency prevention projects funded under the comprehensive State plan; and (v) shall contact and seek regular input from juveniles currently under the jurisdiction of the juvenile justice system;

* * * * * * *

(8) provide for (A) an analysis of juvenile crime problems (including the joining of gangs that commit crimes) and juvenile justice and delinquency prevention needs *(including educational needs)* within the relevant jurisdiction (including any geographical area in which an Indian tribe performs law enforcement functions), a description of the services to be provided, and a description of performance goals and priorities, including a specific statement of the manner in which programs are expected to meet the identified juvenile crime problems (including the joining of gangs that commit crimes) and juvenile justice and delinquency prevention needs *(including educational needs)* of the jurisdiction; (B) an indication of the manner in which the programs relate to other similar State or local programs which are intended to address the same or similar prob-

lems; and (C) a plan for the concentration of State efforts which shall coordinate all State juvenile delinquency programs with respect to overall policy and development of objectives and priorities for all State juvenile delinquency programs and activities, including provision for regular meetings of State officials with responsibility in the area of juvenile justice and delinquency prevention;

(9) contain—

(A) an analysis of gender-specific services for the prevention and treatment of juvenile delinquency, including the types of such services available and the need for such services for females; and

(B) a plan for providing needed gender-specific services for the prevention and treatment of juvenile delinquency;

(10) contain—

(A) an analysis of services for the prevention and treatment of juvenile delinquency in rural areas, including the need for such services, the types of such services available in rural areas, and geographically unique barriers to providing such services; and

(B) a plan for providing needed services for the prevention and treatment of juvenile delinquency in rural areas;

(11) contain—

(A) an analysis of mental health services available to juveniles in the juvenile justice system (including an assessment of the appropriateness of the particular placements of juveniles in order to receive such services) and of barriers to access to such services; and

(B) a plan for providing needed mental health services to juveniles in the juvenile justice system;

[(9)**]** *(12)* provide for the active consultation with and participation of private agencies in the development and execution of the State plan; and provide for coordination and maximum utilization of existing juvenile delinquency programs and other related programs, such as education, special education, *recreation,* health, and welfare within the State;

[(10)**]** *(13)* provide that not less than 75 per centum of the funds available to such State under section 222, other than funds made available to the State advisory group under section 222(d), whether expended directly by the State, by the unit of general local government or combination thereof, or through grants and contracts with public or private agencies, shall be used for advanced techniques in developing, maintaining, and expanding programs and services designed to prevent juvenile delinquency, to divert juveniles from the juvenile justice system, to provide community-based alternatives to confinement in secure detention facilities and secure correctional facilities, to encourage a diversity of alternatives within the juvenile justice system, to establish and adopt juvenile justice standards, and to provide programs for juveniles, including those processed in the criminal justice system, who have committed serious crimes, particularly programs which are designed to improve sentencing procedures, provide resources necessary for informed dispositions, provide for effective reha-

bilitation, and facilitate the coordination of services between the juvenile justice and criminal justice systems. These advanced techniques include—

(A) community-based programs and services *(including home-based alternative services)* for the prevention and treatment of juvenile delinquency through the development of foster-care and shelter-care homes, group homes, halfway houses, homemaker and home health services, twenty-four hour intake screening, volunteer and crisis home programs, education, special education, day treatment, and home probation, and any other designated community-based diagnostic, treatment, or rehabilitative service;

[(B) community-based programs and services to work with parents and other family members to maintain and strengthen the family unit so that the juvenile may be retained in his home;]

(B) community-based programs and services designed to work with—

(i) parents and other family members to maintain and strengthen the family unit so that juveniles may be retained in their homes; and

(ii) juveniles during their incarceration, and with their families, to ensure the safe return of such juveniles to their homes and to strengthen the family unit;

(C) youth service bureaus and other community-based programs to divert [youth] *juveniles* from the juvenile court or to support, counsel, or provide work and recreational opportunities for [delinquents] *delinquent juveniles* and other [youth] *juveniles* to help prevent delinquency;

(D) projects designed to develop and implement programs stressing advocacy activities aimed at improving services for and protecting the rights of [youth] *juveniles* impacted by the juvenile justice system;

[(E) educational programs or supportive services designed to encourage delinquent youth and other youth to remain in elementary and secondary schools or in alternative learning situations, including programs to counsel delinquent youth and other youth regarding the opportunities which education provides;]

(E) educational programs and supportive services designed—

(i) to encourage delinquent juveniles and other juveniles to remain in elementary and secondary schools or in alternative learning situations, including programs to counsel delinquent juveniles and other juveniles regarding the opportunities that education provides; and

(ii) enhance coordination with the local schools such juveniles would otherwise attend, to ensure that—

(I) the instruction such juveniles receive outside such schools is closely aligned with the instruction provided in such schools; and

(II) information regarding any learning problems identified in such alternative learning situations are communicated to such schools;

(F) expanded use of probation and recruitment and training of probation officers, other professional and paraprofessional personnel and volunteers to work effectively with [youth] *juveniles* and their families;

(G) [youth] *juveniles* initiated programs and outreach programs designed to assist [youth] *juveniles (including juveniles with limited-English speaking ability)* who otherwise would not be reached by traditional [youth] *juveniles* assistance programs;

(H) statewide programs through the use of subsidies or other financial incentives to units of local government designed to—

(i) * * *

* * * * * * *

(iv) increase the use of nonsecure community-based facilities *(including home-based treatment programs)* and discourage the use of secure incarceration and detention; or

(v) involve parents and other family members in addressing the delinquency-related problems of juveniles, *with special emphasis on involving parents with limited English-speaking ability, particularly in areas where there is a large population of families with limited-English speaking ability;*

(I) programs designed to develop and implement projects relating to juvenile delinquency and learning disabilities, including on-the-job training programs to assist law enforcement and juvenile justice personnel to more effectively recognize and provide for [learning disabled and other handicapped juveniles] *juveniles who are learning disabled or otherwise handicapped or who have educational problems;*

* * * * * * *

(K) programs and projects designed to provide for the treatment of juveniles' dependence on or abuse of alcohol or other addictive or nonaddictive drugs; [and]

(L) law-related education programs and projects designed to prevent juvenile delinquency;

(M) programs (including referral to literacy programs and social service programs) to assist families with limited English-speaking ability that include delinquent juveniles to overcome language and cultural barriers that may prevent the complete treatment of such juveniles and the preservation of the family unit; and

(N) programs designed to prevent and reduce hate crimes committed by juveniles, including educational programs and sentencing programs designed specifically for juveniles who commit hate crimes and that provide alternatives to incarceration;

[(11)] *(14)* provide for the development of an adequate research, training, and evaluation capacity within the State;

[(12)] *(15)*(A) * * *

(B) provide that the State shall submit annual reports to the Administrator containing a review of the progress made by the State to achieve the deinstitutionalization of juveniles described in subparagraph (A) and a review of the progress made by the State to provide that such juveniles, if placed in facilities, are placed in facilities which (i) are the least restrictive alternatives appropriate to the needs of the [child] *juvenile* and the community; (ii) are in reasonable proximity to the family and the home communities of such juveniles; and (iii) provide the services described in section 103(1);

[(13)] *(16)* provide that juveniles alleged to be or found to be delinquent and [youths] *juveniles* within the purview of paragraph (12) shall not be detained or confined in any institution in which they have [regular] contact with adult persons incarcerated because they have been convicted of a crime or are awaiting trial on criminal charges *or with the part-time or full-time security staff (including management) or direct-care staff of a jail or lockup for adults*;

[(14) provide that, beginning after the five-year period following December 8, 1980, no juvenile shall be detained or confined in any jail or lockup for adults, except that the Administrator shall, through 1993, promulgate regulations which make exceptions with regard to the detention of juveniles accused of nonstatus offenses who are awaiting an initial court appearance pursuant to an enforceable State law requiring such appearances within twenty-four hours after being taken into custody (excluding weekends and holidays) provided that such exceptions are limited to areas which—

[(A) are outside a Standard Metropolitan Statistical Area,

[(B) have no existing acceptable alternative placement available, and

[(C) are in compliance with the provisions of paragraph (13);]

(17) provide that no juvenile shall be detained or confined in any jail or lockup for adults;

[(15)] *(18)* provide for an adequate system of monitoring jails, detention facilities, correctional facilities, and non-secure facilities to insure that the requirements of paragraph (12)(A), paragraph (13), and paragraph (14) are met, and for annual reporting of the results of such monitoring to the Administrator, except that such reporting requirements shall not apply in the case of a State which is in compliance with the other requirements of this paragraph, which is in compliance with the requirements in paragraph (12)(A) and paragraph (13), and which has enacted legislation which conforms to such requirements and which contains, in the opinion of the Administrator, sufficient enforcement mechanisms to ensure that such legislation will be administered effectively;

[(16)] *(19)* provide assurance that assistance will be available on an equitable basis to deal with disadvantaged youth in-

cluding, but not limited to, females, minority youth, and mentally retarded and emotionally or physically handicapped youth;

[(17)] *(20)* provide assurance that consideration will be given to and that assistance will be available for approaches designed to strengthen and maintain the family units of delinquent [and other youth] *juveniles and other juveniles* to prevent juvenile delinquency[. Such] *(such* approaches should include the involvement of grandparents or other extended family members when possible and appropriate *and should include providing family counseling during the incarceration of juvenile family members and coordination of family services when appropriate and feasible)*;

[(18)] *(21)* provide for procedures to be established for protecting the rights of recipients of services and for assuring appropriate privacy with regard to records relating to such services provided to any individual under the State plan;

[(19)] *(22)* provide that fair and equitable arrangements shall be made to protect the interests of employees affected by assistance under this [Act] *title* and shall provide for the terms and conditions of such protective arrangements established pursuant to this section, and such protective arrangements shall, to the maximum extent feasible, include, without being limited to, such provisions as may be necessary for—

(A) * * *

* * * * * * *

(D) assurances of employment to employees of any State or political subdivision thereof who will be affected by any program funded in whole or in part under provisions of this [Act] *title*; and

* * * * * * *

[(20)] *(23)* provide for such fiscal control and fund accounting procedures necessary to assure prudent use, proper disbursement, and accurate accounting of funds received under this title;

[(21)] *(24)* provide reasonable assurances that Federal funds made available under this part for any period will be so used as to supplement and increase (but not supplant) the level of the State, local, and other non-Federal funds that would in the absence of such Federal funds be made available for the programs described in this part, and will in no event replace such State, local, and other non-Federal funds;

[(22)] *(25)* provide that the State agency designated under paragraph (1) will from time to time, but not less often than annually, review its plan and submit to the Administrator an analysis and evaluation of the effectiveness of the programs and activities carried out under the plan, and any modifications in the plan, including the survey of State and local needs, which it considers necessary;

[(23)] *(26)* address efforts to reduce the proportion of juveniles detained or confined in secure detention facilities, secure correctional facilities, jails, and lockups who are members of

minority groups if such proportion exceeds the proportion such groups represent in the general population; [and]

(27) provide an assurance that if the State receives under section 222 for any fiscal year an amount that exceeds 105 percent of the amount the State received under such section for fiscal year 1992, all of such excess shall be expended through or for programs that are part of a comprehensive and coordinated community system of services; and

[(24)] *(28)* contain such other terms and conditions as the Administrator may reasonably prescribe to assure the effectiveness of the programs assisted under this title.

* * * * * * *

[(c)(1) The Administrator shall approve any State plan and any modification thereof that meets the requirements of this section. Failure to achieve compliance with the subsection (a)(12)(A) requirement within the three-year time limitation shall terminate any State's eligibility for funding under this part unless the Administrator determines that the State is in substantial compliance with the requirement, through achievement of deinstitutionalization of not less than 75 per centum of such juveniles or through removal of 100 percent of such juveniles from secure correctional facilities, and has made, through appropriate executive or legislative action, an unequivocal commitment to achieving full compliance within a reasonable time not exceeding two additional years.

[(2) Failure to achieve compliance with the requirements of subsection (a)(14) within the 5-year time limitation shall terminate any State's eligibility for funding under this part unless the Administrator—

[(A) determines, in the discretion of the Administrator, that such State has—

[(i)(I) removed not less than 75 percent of juveniles from jails and lockups for adults; or

[(II) achieved substantial compliance with such subsection; and

[(ii) made, through appropriate executive or legislative action, an unequivocal commitment to achieving full compliance within a reasonable time, not to exceed 3 additional years; or

[(B) waives the termination of the State's eligibility on the condition that the State agrees to expend all of the funds to be received under this part by the State (excluding funds required to be expended to comply with subsections (c) and (d) of section 222 and with section 223(a)(5)(C)), only to achieve compliance with subsection (a)(14).

[(3) Except as provided in paragraph (2), failure to achieve compliance with the requirements of subsection (a)(14) after December 8, 1985, shall terminate any State's eligibility for funding under this part unless the Administrator waives the termination of the State's eligibility on the condition that the State agrees to expend all of the funds to be received under this part by the State (excluding funds required to be expended to comply with subsections (c) and (d) of section 222 and with section 223(a)(5)(C)), only to achieve compliance with subsection (a)(14).

[(4) For purposes of paragraph (2)(A)(i)(II), a State may demonstrate that it is in substantial compliance with such paragraph by showing that it has—

[(A) removed all juvenile status offenders and nonoffenders from jails and lockups for adults;

[(B) made meaningful progress in removing other juveniles from jails and lockups for adults;

[(C) diligently carried out the State's plan to comply with subsection (a)(14); and

[(D) historically expended, and continues to expend, to comply with subsection (a)(14) an appropriate and significant share of the funds received by the State under this part]

(c)(1) Subject to paragraph (2), the Administrator shall approve any State plan, and any modification thereof, that meets the requirements of this section.

(2) If a State fails to comply with the requirements of paragraph (12)(A), (13), (14), or (23) in any fiscal year beginning after January 1, 1993, then—

(A) subject to subparagraph (B), the amount allotted under section 222 to the State for such fiscal year shall be reduced by 25 percent for each such paragraph with respect which to noncompliance occurs; and

(B) the State shall be ineligible to receive any allotment under such section for such fiscal year unless—

(i) the State agrees to expend all the remaining funds the State receives under this part (excluding funds required to be expended to comply with subsections (c) and (d) of section 222 and with section 223(a)(5)(C)) for such fiscal year only to achieve compliance with any such paragraph with respect to which the State is in noncompliance; or

(ii) the Administrator determines, in the discretion of the Administrator, that the State has—

(I) achieved substantial compliance with each such paragraph with respect to which the State is in noncompliance; and

(II) made, through appropriate executive or legislative action, an unequivocal commitment to achieving full compliance within a reasonable time.

(d) In the event that any State chooses not to submit a plan, fails to submit a plan, or submits a plan or any modification thereof, which the Administrator, after reasonable notice and opportunity for hearing, in accordance with sections 802, 803, and 804 of title I of the Omnibus Crime Control and Safe Streets Act of 1968, determines does not meet the requirements of this section, the Administrator shall endeavor to make that State's allotment under the provisions of section 222(a), *excluding funds the Administrator shall make available to satisfy the requirement specified in section 222(d),* available to local public and private non-profit agencies within such State for use in carrying out [the purposes of subsection (a)(12)(A), subsection (a)(13), or subsection (a)(14)] *activities of the kinds described in paragraphs (12)(A), (13), (14), and (23) of subsection (a).* The Administrator shall make funds which remain avail-

able after disbursements are made by the Administrator under the preceding sentence, and any other unobligated funds, available on an equitable basis to those States that have achieved full compliance with the requirements [under subsection (a)(12)(A) and subsection (a)(13)] *of paragraphs (12)(A), (13), (14), and (23).*

PART C—NATIONAL PROGRAMS

Subpart 1—National Institute for Juvenile Justice and Delinquency Prevention

ESTABLISHMENT OF NATIONAL INSTITUTE FOR JUVENILE JUSTICE AND DELINQUENCY PREVENTION

SEC. 241. (a) * * *

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(e) In addition to the other powers, express and implied, the Institute may—

(1) * * *

* * * * * * *

(5) compensate consultants and members of technical advisory councils who are not in the regular full-time employ of the United States, at a rate now or hereafter [prescribed for GS-18 of the General Schedule by section 5332] *payable under section 5376* of title 5 of the United States Code and while away from home, or regular place of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code for persons in the Government service employed intermittently; and

(6) assist through training, the advisory groups established pursuant to section 223(a)(3) or comparable public or private citizen groups in nonparticipating States in the accomplishment of their objectives consistent with this [Act] *title.*

* * * * * * *

INFORMATION FUNCTION

SEC. 242. The Administrator, acting through the National Institute for Juvenile Justice and Delinquency Prevention, shall—

(1) * * *

* * * * * * *

(3) serve as a clearinghouse and information center for the preparation, publication, and dissemination of all information regarding juvenile delinquency, including State and local juvenile delinquency prevention and treatment programs *(including drug and alcohol programs and gender-specific programs)* and plans, availability of resources, training and educational programs, statistics, and other pertinent data and information.

RESEARCH, DEMONSTRATION, AND EVALUATION FUNCTIONS

SEC. 243. *(a)* The Administrator, acting through the National Institute for Juvenile Justice and Delinquency Prevention, is authorized to—

(1) * * *

* * * * * * *

(8) develop and support model State legislation consistent with the mandates of this title and the standards developed by the National Advisory Committee for Juvenile Justice and Delinquency Prevention before the date of the enactment of the Juvenile Justice, Runaway Youth, and Missing Children's Act Amendments of 1984; [and]

(9) support research relating to reducing the excessive proportion of juveniles detained or confined in secure detention facilities, secure correctional facilities, jails, and lockups who are members of minority groups[.];

(10) support research related to achieving a better understanding of the commission of hate crimes by juveniles and designed to identify educational programs best suited to prevent and reduce the incidence of hate crimes committed by juveniles; and

(11) routinely collect, analyze, compile, publish, and disseminate uniform national statistics concerning—

(A) all aspects of juveniles as victims and offenders;

(B) the processing and treatment, in the juvenile justice system, of juveniles who are status offenders, delinquent, neglected, or abused; and

(C) the processing and treatment of such juveniles who are treated as adults for purposes of the criminal justice system.

(b) The Administrator shall make available to the public—

(1) the results of evaluations and research and demonstration activities referred to in subsection (a)(6); and

(2) the data and studies referred to in subsection (a)(7);

that the Administrator is authorized to disseminate under subsection (a).

TECHNICAL ASSISTANCE AND TRAINING FUNCTIONS

SEC. 244. The Administrator, acting through the National Institute for Juvenile Justice and Delinquency Prevention is authorized to—

(1) * * *

(2) develop, conduct, and provide for training programs for the training of professional, paraprofessional, and volunteer personnel, and other persons who are working with or preparing to work with juveniles, juvenile offenders *(including juveniles who commit hate crimes)*, and their families;

(3) develop, conduct, and provide for seminars, workshops, and training programs in the latest proven effective techniques and methods of preventing and treating juvenile delinquency for law enforcement officers, juvenile judges, and other court personnel, probation officers, correctional personnel, and other

Federal, State, and local government personnel who are engaged in work relating to juvenile delinquency; [and]

(4) develop technical training teams to aid in the development of training programs in the States and to assist State and local agencies which work directly with juveniles and juvenile offenders[.]; *and*

(5) provide technical assistance and training to assist States and units of general local government to adopt the model standards issued under section 204(b)(7).

ESTABLISHMENT OF TRAINING PROGRAM

SEC. 245. (a) The Administrator shall establish within the Institute a training program designed to train enrollees with respect to methods and techniques for the prevention and treatment of juvenile delinquency, *including methods and techniques specifically designed to prevent and reduce the incidence of hate crimes committed by juveniles.* In carrying out this program the Administrator is authorized to make use of available State and local services, equipment, personnel, facilities, and the like.

* * * * * * *

SEC. 246. The Administrator shall design and supervise a curriculum for the training program established by section 245 which shall utilize an interdisciplinary approach with respect to the prevention of juvenile delinquency, the treatment of juvenile delinquents, and the diversion of youths from the juvenile justice system. Such curriculum shall be appropriate to the needs of the enrollees of the training program *and shall include training designed to prevent juveniles from committing hate crimes.*

* * * * * * *

SPECIAL STUDIES AND REPORTS

SEC. 248. (a) * * *

* * * * * * *

(d)(1) Not later than 180 days after the date of the enactment of the Juvenile Justice and Delinquency Prevention Amendments of 1992, the Administrator shall begin to conduct a study of the incidence of violence committed by or against juveniles in urban and rural areas in the United States.

(2) Such areas shall include—

(A) the District of Columbia;

(B) Los Angeles, California;

(C) Milwaukee, Wisconsin; and

(D) such other cities as the Administrator determines to be appropriate.

(3) With respect to each area included in the study, the objectives of the study shall be—

(A) to identify characteristics and patterns of behavior of juveniles who are at risk of becoming violent or victims of homicide;

(B) to identify factors particularly indigenous to such area that contribute to violence committed by or against juveniles;

(C) to determine the accessibility of firearms and the use of firearms by or against juveniles;

(D) to determine the conditions that cause any increase in violence committed by or against juveniles;

(E) to identify existing and new diversion, prevention, and control programs to ameliorate such conditions;

(F) to improve current systems to prevent and control violence by or against juveniles; and

(G) to develop a plan to assist State and local governments to establish viable ways to reduce homicide committed by or against juveniles.

(4) Not later than 3 years after the date of the enactment of the Juvenile Justice and Delinquency Prevention Amendments of 1992, the Administrator shall submit a report, to the Chairman of the Committee on Education and Labor of the House of Representatives and the Chairman of the Committee on the Judiciary of the Senate, detailing the results of the study addressing each objective specified in paragraph (3).

(e)(1) Not later than 1 year after the date of the enactment of the Juvenile Justice and Delinquency Prevention Amendments of 1992, the Administrator shall—

(A) conduct a study described in paragraph (2), using data available from Federal, State, and local enforcement agencies, and

(B) submit to the chairman of the Committee on Education and Labor of the House of Representatives and the chairman of the Committee on the Judiciary of the Senate the results of such study.

(2) Such study shall assess—

(A) the characteristics of juveniles who commit hate crimes, and to prepare a profile of such juveniles, based on—

(i) the types of hate crimes committed;

(ii) their motives for committing hate crimes;

(iii) the extent to which such juveniles were influenced by publications and organized groups intended to encourage the commission of hate crimes; and

(iv) the impact of their race, ethnic background, sex, age, neighborhood, and family income on such juveniles;

(B) the characteristics of hate crimes committed by juveniles, including—

(i) the types of such crimes;

(ii) the number of individuals who participated with juveniles in committing such crimes;

(iii) the types of law enforcement investigations conducted with respect to such crimes;

(iv) the law enforcement proceedings commenced against juveniles for committing hate crimes; and

(v) the penalties imposed on such juveniles as a result of such proceedings; and

(C) the characteristic of the victims of hate crimes committed by juveniles, including-

(i) a profile of such victims; and

(ii) the frequency with which institutions and individuals, separately determined, were the targets of such crimes.

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Subpart II—Special Emphasis Prevention and Treatment Programs

AUTHORITY TO MAKE GRANTS AND CONTRACTS

SEC. 261. [(a) The] *(a) Except as provided in subsection (f), the* Administrator shall, by making grants to and entering into contracts with public and private nonprofit agencies, organizations, institutions, and individuals provide for each of the following during each fiscal year:

(1) Establishing or maintaining community-based alternatives *(including home-based treatment programs)* to traditional forms of institutionalization of juvenile offenders.

(2) * * *

* * * * * * *

(4) Developing or supporting model programs *(including self-help programs for parents)* to strengthen and maintain the family unit in order to prevent or treat juvenile delinquency, *including programs that work with families during the incarceration of juvenile family members and which take into consideration the special needs of families with limited-English speaking ability.*

* * * * * * *

(6) Developing or implementing further a coordinated, national law-related education program of—

(A) * * *

* * * * * * *

(C) disseminating information regarding model, innovative, law-related education programs to juvenile delinquency programs, including those that are community based, and to law enforcement and criminal justice agencies for activities related to juveniles[.]*; that targets juveniles who have had contact with the juvenile justice system or who are likely to have contact with such system.*

* * * * * * *

(8) Establishing or supporting programs designed to prevent and to reduce the incidence of hate crimes committed by juveniles, including—

(A) model educational programs that are designed to reduce the incidence of hate crimes by means such as—

(i) addressing the specific prejudicial attitude of each offender;

(ii) developing an awareness in such offender, of the effect of the hate crime on the victim; and

(iii) educating such offender about the importance of tolerance in our society; and

(B) sentencing programs that are designed specifically for juveniles who commit hate crimes and that provide alternatives to incarceration.

[(b) The] *(b) Except as provided in subsection (f), the* Adminstrator is authorized, by making grants to and entering into contracts with public and private nonprofit agencies, organizations, institu-

tions, and individuals, to develop and implement new approaches, techniques, and methods designed to—

(1) * * *

(2) develop and implement, in coordination with the Secretary of Education, model programs and methods to keep students in elementary and secondary schools, *to assist in identifying learning difficulties (including learning disabilities),* to prevent unwarranted and arbitrary suspensions and expulsions, and to encourage new approaches and techniques with respect to the prevention of school violence and vandalism;

* * * * * * * *

(f) The Administrator shall not make a grant or a contract under subsection (a) or (b) to the Department of Justice or to any administrative unit or other entity that is part of the Department of Justice.

CONSIDERATIONS FOR APPROVAL OF APPLICATIONS

SEC. 262. (a) * * *

* * * * * * * *

(d)(1)(A) * * *

[(B) The competitive process described in subparagraph (A) shall not be required if the Administrator makes a written determination that—

[(i)(I) the proposed program is not within the scope of any announcement issued, or expected to be issued, by the Administrator regarding the availability of funds to carry out programs under this part, but can be supported by a grant or contract in accordance with this part; and

[(II) such program is of such outstanding merit, as determined through peer review conducted under paragraph (2), that the award of a grant or contract without competition is justified; or

[(ii) the applicant is uniquely qualified to provide proposed training services as provided in section 244 and other qualified sources are not capable of providing such services, and includes in such determination the factual and other bases thereof.

[(C) If a program is selected for assistance without competition pursuant to the exception provided in subparagraph (B), the Administrator shall promptly so notify the chairman of the Committee on Education and Labor of the House of Representatives and the chairman of the Committee on the Judiciary of the Senate. Such notification shall include copies of the Administrator's determination made under such subparagraph and the peer review determination required by paragraph (2).]

(B) The competitive process described in subparagraph (A) shall not apply to programs to be carried out in areas with respect to which the President declares under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq) that a major disaster or emergency exists.

* * * * * * * *

9PART D—PREVENTION AND TREATMENT PROGRAMS RELATING TO JUVENILE GANGS AND DRUG ABUSE AND DRUG TRAFFICKING

9AUTHORITY TO MAKE GRANTS AND CONTRACTS

[Sec. 281. The Administrator shall, by making grants to and entering into contracts with public and private nonprofit agencies, organizations, institutions, and individuals, establish and support programs and activities that involve families and communities and that are designed to carry out any of the following purposes:

[(1) To reduce the participation of juveniles in drug-related crimes (including drug trafficking and drug use), particularly in elementary and secondary schools.

[(2) To develop within the juvenile adjudicatory and correctional systems new and innovative means to address the problems of juveniles convicted of serious drug-related and gang-related offenses.

[(3) To reduce juvenile involvement in gang-related activity, particularly activities that involve the distribution of drugs by or to juveniles.

[(4) To promote the involvement of juveniles in lawful activities in geographical areas in which gangs commit crimes.

[(5) To provide treatment to juveniles who are members of such gangs, including members who are accused of committing a serious crime and members who have been adjudicated as being delinquent.

[(6) To support activities to inform juveniles of the availability of treatment and services for which financial assistance is provided under this part.

[(7) To facilitate Federal and State cooperation with local school officials to assist juveniles who are likely to participate in the activities of gangs that commit crimes and to establish and support programs that facilitate coordination and cooperation among local education, juvenile justice, employment, and social service agencies, for the purpose of preventing or reducing the participation of juveniles in activities of gangs that commit crimes.

[(8) To provide personnel, personnel training, equipment, and supplies in conjunction with programs and activities designed to prevent or reduce the participation of juveniles in unlawful gang activities or unlawful drug activities, to assist in improving the adjudicative and correctional components of the juvenile justice system.

[(9) To provide pre- and post-trial drug abuse treatment to juveniles in the juvenile justice system.

[(10) To provide drug abuse education, prevention and treatment involving police and juvenile justice officials in demand reduction programs.

9APPROVAL OF APPLICATIONS

[Sec. 282. (a) Any agency, institution, or individual desiring to receive a grant, or to enter into a contract, under this part shall submit an application at such time, in such manner, and contain-

ing or accompanied by such information as the Administrator may prescribe.

[(b) In accordance with guidelines established by the Administrator, each application for assistance under this part shall—

[(1) set forth a program or activity for carrying out one or more of the purposes specified in section 281 and specifically identify each such purpose, such program or activity is designed to carry out;

[(2) provide that such program or activity shall be administered by or under the supervision of the applicant;

[(3) provide for the proper and efficient administration of such program or activity;

[(4) provide for regular evaluation of such program or activity;

[(5) certify that the applicant has requested the State planning agency and local agency designated in section 223, if any, to review and comment on such application and indicate the responses of such State planning agency and local agency to such request;

[(6) attach a copy of the responses of such State planning agency and local agency to such request;

[(7) provide that regular reports on such program or activity shall be sent to the Administrator and to such State planning agency and local agency; and

[(8) provide for such fiscal control and fund accounting procedures as may be necessary to ensure prudent use, proper disbursement, and accurate accounting of funds received under this title.

[(c) In reviewing applications for grants and contracts under this part, the Administrator shall give priority to applications—

[(1) based on the incidence and severity of crimes committed by gangs whose membership is composed primarily of juveniles or the incidence of juvenile drug abuse and drug trafficking, in the geographical area in which the applicants propose to carry out the programs and activities for which such grants and contracts are requested; and

[(2) for assistance for programs and activities that have the broad support of organizations operating in such geographical areas, as demonstrated by the applicants.]

Part D—Gang-Free Schools and Communities; Community-Based Gang Intervention

Subpart I—Gang-Free Schools and Communities

AUTHORITY TO MAKE GRANTS AND CONTRACTS

Sec. 281. (a) The Administrator shall make grants to or enter into contracts with public agencies (including local educational agencies) and private nonprofit agencies, organizations, and institutions to establish and support programs and activities that involve families and communities and that are designed to carry out any of the following purposes:

(1) To prevent and to reduce the participation of juveniles in the activities of gangs that commit crimes. Such programs and activities may include—

(A) individual, peer, family, and group counseling, including the provision of life skills training and preparation for living independently;

(B) education and social services designed to address the social and developmental needs of juveniles which such juveniles would otherwise seek to have met through membership in gangs;

(C) the organization of neighborhood and community groups to work closely with parents, schools, law enforcement, and other public and private agencies in the community; and

(D) training and assistance to adults who have significant relationships with juveniles who are or may become members of gangs, to assist such adults in providing constructive alternatives to participating in the activities of gangs.

(2) To develop within the juvenile adjudicatory and correctional systems new and innovative means to address the problems of juveniles convicted of serious drug-related and gang-related offenses.

(3) To provide treatment to juveniles who are members of such gangs, including members who are accused of committing a serious crime and members who have been adjudicated as being delinquent.

(4) To promote the involvement of juveniles in lawful activities in geographical areas in which gangs commit crimes.

(5) To promote and support, with the cooperation of community-based organizations experienced in providing services to juveniles engaged in gang-related activities and the cooperation of local law enforcement agencies, the development of policies and activities in public elementary and secondary schools which will assist such schools in maintaining a safe environment conducive to learning.

(6) To assist juveniles who are or may become members of gangs to obtain appropriate educational instruction, in or outside a regular school program, including the provision of counseling and other services to promote and support the continued participation of such juveniles in such instructional programs.

(7) To expand the availability of prevention and treatment services relating to the illegal use of controlled substances and controlled substances analogues (as defined in paragraphs (6) and (32) of section 102 of the Controlled Substances Act (21 U.S.C. 802) by juveniles, provided through State and local health and social services agencies.

(8) To provide services to prevent juveniles from coming into contact with the juvenile justice system again as a result of gang-related activity.

(9) To support activities to inform juveniles of the availability of treatment and services for which financial assistance is available under this subpart.

(b) From not more than 15 percent of the amount appropriated to carry out this part in each fiscal year, the Administrator may make grants to and enter into contracts with public agencies and private nonprofit agencies, organizations, and institutions—

(1) to conduct research on issues related to juvenile gangs;

(2) to evaluate the effectiveness of programs and activities funded under subsection (a); and

(3) to increase the knowledge of the public (including public and private agencies that operate or desire to operate gang prevention and intervention programs) by disseminating information on research and on effective programs and activities funded under this subpart.

APPROVAL OF APPLICATIONS

SEC. 282. (a) Any agency, organization, or institution desiring to receive a grant, or to enter into a contract, under this subpart shall submit an application at such time, in such manner, and containing such information as the Administrator may prescribe.

(b) In accordance with guidelines established by the Administrator, each application submitted under subsection (a) shall—

(1) set forth a program or activity for carrying out one or more of the purposes specified in section 281 and specifically identify each such purpose such program or activity is designed to carry out;

(2) provide that such program or activity shall be administered by or under the supervision of the applicant;

(3) provide for the proper and efficient administration of such program or activity;

(4) provide for regular evaluation of such program or activity;

(5) provide an assurance that the proposed program or activity will supplement, not supplant, similar programs and activities already available in the community;

(6) describe how such program or activity is coordinated with programs, activities, and services available locally under parts B or C of this title, and under chapter 1 of subtitle B of title III of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11801-11805);

(7) certify that the applicant has requested the State planning agency to review and comment on such application and summarizes the responses of such State planning agency to such request;

(8) provide that regular reports on such program or activity shall be sent to the Administrator and to such State planning agency; and

(9) provide for such fiscal control and fund accounting procedures as may be necessary to ensure prudent use, proper disbursement, and accurate accounting of funds received under this subpart.

(c) In reviewing applications for grants and contracts under section 281(a), the Administrator shall give priority to applications—

(1) submitted by, or substantially involving, local educational agencies (as defined in section 1471 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891));

(2) based on the incidence and severity of crimes committed by gangs whose membership is composed primarily of juveniles in the geographical area in which the applicants propose to carry out the programs and activities for which such grants and contracts are requested; and

(3) for assistance for programs and activities that—

(A) are broadly supported by public and private nonprofit agencies, organizations, and institutions located in such geographical area; and

(B) will substantially involve the families of juvenile gang members in carrying out such programs or activities.

Subpart II—Community-Based Gang Intervention

SEC. 285. (a) The Administrator shall make grants to or enter into contracts with public and private nonprofit agencies, organizations, and institutions to carry out programs and activities —

(1) to reduce the participation of juveniles in the illegal activities of gangs;

(2) to develop regional task forces involving State, local, and community-based organizations to coordinate enforcement, intervention, and treatment efforts for juvenile gang members and to curtail interstate activities of gangs; and

(3) to facilitate coordination and cooperation among—

(A) local education, juvenile justice, employment, and social service agencies; and

(B) community-based programs with a proven record of effectively providing intervention services to juvenile gang members for the purpose of reducing the participation of juveniles in illegal gang activities.

(b) Programs and activities for which grants and contracts are be made under subsection (a) may include—

(1) developing within the juvenile adjudicatory and correctional systems new and innovative means to address the problems of juveniles convicted of serious drug-related and gang-related offenses.

(2) providing treatment to juveniles who are members of such gangs, including members who are accused of committing a serious crime and members who have been adjudicated as being delinquent.

(3) promoting the involvement of juveniles in lawful activities in geographical areas in which gangs commit crimes.

(4) expanding the availability of prevention and treatment services relating to the illegal use of controlled substances and controlled substances analogues (as defined in paragraphs (6) and (32) of section 102 of the Controlled Substances Act (21 U.S.C. 802) by juveniles, provided through State and local health and social services agencies.

(5) providing services to prevent juveniles from coming into contact with the juvenile justice system again as a result of gang-related activity; or

(6) supporting activities to inform juveniles of the availability of treatment and services for which financial assistance is available under this subpart.

APPROVAL OF APPLICATIONS

SEC. 286. (a) Any agency, organization, or institution desiring to receive a grant, or to enter into a contract, under this subpart shall submit an application at such time, in such manner, and containing such information as the Administrator may prescribe.

(b) In accordance with guidelines established by the Administrator, each application submitted under subsection (a) shall—

(1) set forth a program or activity for carrying out one or more of the purposes specified in section 285 and specifically identify each such purpose such program or activity is designed to carry out;

(2) provide that such program or activity shall be administered by or under the supervision of the applicant;

(3) provide for the proper and efficient administration of such program or activity;

(4) provide for regular evaluation of such program or activity;

(5) provide an assurance that the proposed program or activity will supplement, not supplant, similar programs and activities already available in the community;

(6) describe how such program or activity is coordinated with programs, activities, and services available locally under parts B or C of this title, and under chapter 1 of subtitle B of title III of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11801–11805);

(7) certify that the applicant has requested the State planning agency to review and comment on such application and summarizes the responses of such State planning agency to such request;

(8) provide that regular reports on such program or activity shall be sent to the Administrator and to such State planning agency; and

(9) provide for such fiscal control and fund accounting procedures as may be necessary to ensure prudent use, proper disbursement, and accurate accounting of funds received under this subpart.

(c) In reviewing applications for grants and contracts under section 285(a), the Administrator shall give priority to applications—

(1) submitted by, or substantially involving, community-based organizations experienced in providing services to juveniles;

(2) based on the incidence and severity of crimes committed by gangs whose membership is composed primarily of juveniles in the geographical area in which the applicants propose to carry out the programs and activities for which such grants and contracts are requested; and

(3) for assistance for programs and activities that—

(A) are broadly supported by public and private nonprofit agencies, organizations, and institutions located in such geographical area; and

(B) will substantially involve the families of juvenile gang members in carrying out such programs or activities.

Subpart III—General Provisions

DEFINITION

SEC. 288. For purposes of this part, the term "juvenile" means an individual who is less than 22 years of age.

PART E—GENERAL AND ADMINISTRATIVE PROVISIONS

AUTHORIZATION OF APPROPRIATIONS

SEC. 291. (a)(1) [To carry out the purposes of this title (other than part D) there are authorized to be appropriated such sums as may be necessary for fiscal years 1989, 1990, 1991, and 1992.] *There are authorized to be appropriated to carry out this title (other than part D) $150,000,000 for fiscal year 1993 and such sums as may be necessary for fiscal years 1994, 1995, and 1996.* Funds appropriated for any fiscal year may remain available for obligation until expended.

(2)[(A) Subject to subparagraph (B), to carry out part D, there are authorized to be appropriated $15,000,000 for fiscal year 1989 and such sums as may be necessary for each of the fiscal years 1990, 1991, and 1992.] *(A)(i) Subject to subparagraph (B), there are authorized to be appropriated $25,000,000 for fiscal year 1993 and such sums as may be necessary for fiscal years 1994, 1995, and 1996 to carry out subpart I of part D.*

(ii) Subject to subparagraph (B), there are authorized to be appropriated $25,000,000 for fiscal year 1993 and such sums as may be necessary for fiscal years 1994, 1995, and 1996 to carry out subpart II of part D.

* * * * * * *

TITLE III—RUNAWAY AND HOMELESS YOUTH ACT

SHORT TITLE

SEC. 301. This title may be cited as the "Runaway and Homeless Youth Act".

FINDINGS

SEC. 302. The Congress hereby finds that—

[(1) the number of juveniles who leave and remain away from home without parental permission has increased to alarming proportions, creating a substantial law enforcement problem for the communities inundated, and significantly endangering the young people who are without resources and live on the street;]

(1) juveniles who leave and remain away from home without parental permission, are at risk of developing serious health and other problems because they lack sufficient resources to obtain care and may live on the street for extended periods thereby endangering themselves and creating a substantial law enforcement problem for communities in which they congregate;

* * * * * * *

(4) the problem of locating, detaining, and returning runaway children should not be the responsibility of already overburdened police departments and juvenile justice authorities; [and]

(5) in view of the interstate nature of the problem, it is the responsibility of the Federal Government to develop accurate reporting of the problem nationally and to develop an effective system of [temporary care outside the law enforcement structure.] *care (including preventive services, emergency shelter services, and extended residential shelter) outside the welfare system and the law enforcement system;*

(6) runaway and homeless youth have a disproportionate share of health, behavioral, and emotional problems compared to the general population of youth, but have less access to health care and other appropriate services;

(7) early intervention services (such as home-based services) are needed to prevent runaway and homeless youth from becoming involved in the juvenile justice system and other law enforcement systems; and

(8) street-based services that target runaway and homeless youth where they congregate are needed to reach youth who require assistance but who would not otherwise avail themselves of such assistance or services without street-based outreach.

PART A—RUNAWAY AND HOMELESS YOUTH GRANT PROGRAM

AUTHORITY TO MAKE GRANTS

SEC. 311. (a) The Secretary shall make grants to public and private entities (and combinations of such entities) to establish and operate (including renovation) local runaway and homeless youth centers to provide services to deal primarily with the immediate needs of runaway or otherwise homeless youth, and their families, in a manner which is outside the law enforcement [structure and] *system, the child welfare system, the mental health system, and* the juvenile justice system.

(b)(1) * * *

(2) Subject to paragraph (3), the amount allotted under paragraph (1) with respect to each State for a fiscal year shall be not less than [$75,000] *$100,000*, except that the amount allotted to the Virgin Islands of the United States, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands shall be not less than [$30,000] *$45,000* each.

(3) If, as a result of paragraph (2), the amount allotted under paragraph (1) with respect to a State for a fiscal year would be less than the aggregate amount of grants made under this part to recipients in such State for fiscal year [1988] *1992*, then the amounts allotted to satisfy the requirements of such paragraph shall be reduced pro rata to the extent necessary to allot under paragraph (1) with respect to such State for the fiscal year an amount equal to the aggregate amount of grants made under this part to recipients in such State for fiscal year [1988] *1992*.

* * * * * * *

[(c) The Secretary is authorized to provide on-the-job training to local runaway and homeless youth center personnel and coordinated networks of local law enforcement, social service, and welfare personnel to assist such personnel in recognizing and providing for learning disabled and other handicapped juveniles.]

(c)(1) If for a fiscal year the amount appropriated under section 385(a)(1) exceeds $50,000,000, then the Secretary may make grants under this subsection for such fiscal year to entities that receive grants under subsection (a), to establish and operate street-based service projects for runaway and homeless youth on the street.

(2) For purposes of this part—

(A) the term "runaway and homeless youth on the street" means an individual who—

(i) is less than 22 years of age; and

(ii) may obtain the means of survival by engaging in unlawful activity in a public place;

(B) the term "street-based service project" means a project that—

(i) provides staff (including volunteers) to frequent public places in which runaway and homeless youth on the street congregate, for purposes of identifying, contacting, and establishing relationships with such youth;

(ii) assesses the problems and service needs of runaway and homeless youth on the street contacted, and refers such youth to agencies and organizations that provide needed services;

(iii) provides street-based crisis intervention and counseling to runaway and homeless youth on the street, or refers such youth to providers of needed crisis intervention services; and

(iv) provides health education and disease prevention services to runaway and homeless youth on the street.

(d)(1) If for a fiscal year the amount appropriated under section 385(a)(1) exceeds $50,000,000, then the Secretary may make grants for such fiscal year to entities that receive grants under subsection (a), to establish and operate home-based service projects for families that are separated, or at risk of separation, as a result of the physical absence of a runaway youth or youth at risk of family separation.

(2) For purposes of this part—

(A) the term "home-based service project" means a project that provides—

(i) case management; and

(ii) in the family residence (to the maximum extent practicable)—

(I) intensive, time-limited, family and individual counseling;

(II) training relating to life skills and parenting; and

(III) other services;

designed to prevent youth from running away from their families or to cause runaway youth or to return to their families;

(B) the term "youth at risk of family separation" means an individual—

(i) who is less than 18 years of age;

(ii) who has a history of running away from the family of such individual;

(iii) whose parent, guardian, or custodian is not willing to provide for the basic needs of such individual; and

(iv) who is at risk of entering the child welfare system or juvenile justice system, as a result of the lack of services available to the family to meet such needs; and

(C) the term "time-limited" means for a period not to exceed 6 months.

ELIGIBILITY

SEC. 312. (a) To be eligible for assistance under section 311(a), an applicant shall propose to establish, strengthen, or fund an existing or proposed runaway and homeless youth center, a locally controlled facility *(including a host family home)* providing temporary shelter, and counseling services to [juveniles] *youth* who have left home without permission of their parents or guardians or to other homeless [juveniles] *youth*.

(b) In order to qualify for assistance under section 311(a), an applicant shall submit a plan to the Secretary including assurances that the applicant—

(1) * * *

[(2) shall have a maximum capacity of no more than twenty children, with a ratio of staff to children of sufficient proportion to assure adequate supervision and treatment;]

(2) shall use such assistance to establish, to strengthen, or to fund a runaway and homeless youth center, or a locally controlled facility providing temporary shelter, that has—

(A) a maximum capacity of not more than 25 youth; and

(B) a ratio of staff to youth that is sufficient to ensure adequate supervision and treatment;

(3) shall develop adequate plans for contacting the [child's parents or relatives and assuring] *parents or other relatives of the youth and ensuring* the safe return of the [child] *youth* according to the best interests of the [child] *youth*, for contacting local government officials pursuant to informal arrangements established with such officials by the runaway and homeless youth center, and for providing for other appropriate alternative living arrangements;

[(4) shall develop an adequate plan for assuring proper relations with law enforcement personnel, social service personnel, school system personnel, and welfare personnel, and the return of runaway and homeless youth from correctional institutions;]

(4) shall develop an adequate plan for ensuring—

(A) proper relations with law enforcement personnel, social service personnel, health care personnel, school system personnel, and welfare personnel;

(B) coordination with personnel of the schools to which runaway and homeless youth will return, to assist such youth to stay current with the curricula of such schools; and

(C) the return of runaway and homeless youth from correctional institutions;

(5) shall develop an adequate plan for [aftercare counseling involving runaway and homeless youth and their families within the State in which the runaway and homeless youth center is located and for assuring] *providing counseling and aftercare services to such youth, for encouraging the involvement of their parents or legal guardians in counseling, and for ensuring*, as possible, that aftercare services will be provided to those [children] *youth* who are returned beyond the State in which the runaway and homeless youth center is located;

(6) shall develop an adequate plan for establishing outreach programs designed to attract individuals (including individuals who are members of a cultural minority and individuals with limited English-speaking ability) who are eligible to receive services for which a grant under subsection (a) may be expended;

[(6)] *(7)* shall keep adequate statistical records profiling the [children and family members which it serves] *youth and family members whom it serves (including youth who are not referred to out-of-home shelter services)*, except that records maintained on individual runaway and homeless youth shall not be disclosed without the consent of the individual youth and parent or legal guardian to anyone other than another agency compiling statistical records or a government agency involved in the disposition of criminal charges against an individual runaway and homeless youth, and reports or other documents based on such statistical records shall not disclose the identity of individual runaway and homeless youth;

[(7)] *(8)* shall submit annual reports to the Secretary detailing how the center has been able to meet the goals of its plans and reporting the statistical summaries required by paragraph (6);

[(8)] *(9)* shall demonstrate its ability to operate under accounting procedures and fiscal control devices as required by the Secretary;

[(9)] *(10)* shall submit a budget estimate with respect to the plan submitted by such center under this subsection; and

[(10)] *(11)* shall supply such other information as the Secretary reasonably deems necessary.

(c) To be eligible for assistance under section 311(c), an applicant shall propose to establish, strengthen, or fund a street-based service project for runaway and homeless youth on the street and shall submit to the Secretary a plan in which such applicant agrees, as part of such project—

(1) to provide qualified supervision of staff, including on-street supervision;

(2) backup personnel for on-street staff;

(3) to provide informational and health educational material to runaway and homeless youth on the street in need of services;

(4) to provide initial and periodic training of staff who provide services under such project;

(5) to carry out outreach activities for runaway and homeless youth on the street and to collect statistical information on run-

away and homeless youth on the street contacted through such activities;

(6) to develop referral relationships with agencies and organizations that provide services or assistance to runaway and homeless youth on the street, including law enforcement, education, social services, vocational education and training, public welfare, legal assistance, and health care;

(7) to submit to the Secretary an annual report that includes information regarding the activities carried out with funds received under section 311(c), the achievements of the project under section 311(c) carried out by the applicant, and statistical summaries describing the number and the characteristics of the runaway and homeless youth on the street who participate in such project in the year for which the report is submitted;

(8) to implement such accounting procedures and fiscal control devices as the Secretary may require;

(9) to submit to the Secretary an annual budget that estimates the itemized costs to be incurred in the year for which the applicant requests a grant under this subsection 311(c);

(10) to keep adequate statistical records that profile runaway and homeless youth on the street whom it serves and not to disclose the identity such youth in reports or other documents based on such statistical records;

(11) not to disclose records maintained on individual runaway and homeless youth on the street without the informed consent of the individual youth, to anyone other than an agency compiling statistical records; and

(12) to provide to the Secretary such other information as the Secretary may reasonably require.

(d) To be eligible for assistance under section 311(d), an applicant shall propose to establish, strengthen, or fund a home-based service project for runaway youth or youth at risk of family separation and shall submit to the Secretary a plan in which such applicant agrees, as part of such project—

(1) to provide counseling and information services needed by runaway youth, youth at risk of family separation, and the family (including unrelated individuals in the family household) of such youth, including services relating to basic life skills, interpersonal skill building, educational advancement, job attainment skills, mental and physical health care, parent training, financial planning, and referral to sources of other needed services;

(2) to provide directly, or through an arrangement made by the applicant, 24-hour service to respond to family crises (including immediate access to temporary shelter for runaway youth and youth at risk of family separation affected by family crises); and

(3) to establish in partnership with the families of runaway youth and youth at risk of family separation, objectives and measures of success to be achieved as a result of participating in such project;

(4) to provide informational and health educational material to runaway youth and youth at risk of family separation in need of services;

(5) to provide initial and periodic training of staff who provide services under such project;

(6) to carry out outreach activities for runaway youth and youth at risk of family separation, and to collect statistical information on runaway youth and youth at risk of family separation contacted through such activities;

(7) to ensure that—

(i) caseloads will remain sufficiently low to allow for intensive (5 to 20 hours per week) involvement with each family participating in such project; and

(ii) qualified supervision will be provided to staff who provide services under such project;

(8) to submit to the Secretary an annual report that includes information regarding the activities carried out with funds under section 311(d), the achievements of the project under this part carried out by the applicant and statistical summaries describing the number and the characteristics of the runaway youth and youth at risk of family separation who participate in such project in the year for which the report is submitted;

(9) to implement such accounting procedures and fiscal control devices as the Secretary may require;

(10) to submit to the Secretary an annual budget that estimates the itemized costs to be incurred in the year for which the applicant requests a grant under section 311(d);

(11) to keep adequate statistical records that profile runaway youth and youth at risk of family separation whom it serves and not to disclose the identity of such youth in reports or other documents based on such statistical records;

(12) not to disclose records maintained on individual runaway youth or youth at risk of family separation without the informed consent of the individual youth, to anyone other than an agency compiling statistical records; and

(13) to provide to the Secretary such other information as the Secretary may reasonably require.

[GRANTS FOR A NATIONAL COMMUNICATION SYSTEM

[SEC. 313. (a) With funds reserved under subsection (b), the Secretary shall make grants for a national communication system to assist runaway and homeless youth in communicating with their families and with service providers.

[(b) From funds appropriated to carry out this part and after making the allocation required by section 366(a)(2), the Secretary shall reserve—

[(1) for fiscal year 1989 not less than $500,000;

[(2) for fiscal year 1990 not less than $600,000; and

[(3) for each of the fiscal years 1991 and 1992 not less than $750,000;

to carry out subsection (a).

[GRANTS FOR TECHNICAL ASSISTANCE AND TRAINING

[SEC. 314. The Secretary may make grants to statewide and regional nonprofit organizations (and combinations of such organizations) to provide technical assistance and training to public and pri-

vate entities (and combinations of such entities) that are eligible to receive grants under section 311(a), for the purpose of assisting such entities to establish and operate runaway and homeless youth centers.

[AUTHORITY TO MAKE GRANTS FOR RESEARCH, DEMONSTRATION, AND SERVICE PROJECTS

[SEC. 315. (a) The Secretary may make grants to States, localities, and private entities (and combinations of such entities) to carry out research, demonstration, and service projects designed to increase knowledge concerning, and to improve services for, runaway and homeless youth.

[(b) In selecting among applications for grants under subsection (a), the Secretary shall give special consideration to proposed projects relating to—

[(1) juveniles who repeatedly leave and remain away from their homes;

[(2) outreach to runaway and homeless youth;

[(3) transportation of runaway and homeless youth in connection with services authorized to be provided under this part;

[(4) the special needs of runaway and homeless youth programs in rural areas;

[(5) the special needs of foster care home programs for runaway and homeless youth;

[(6) transitional living programs for runaway and homeless youth; and

[(7) innovative methods of developing resources that enhance the establishment or operation of runaway and homeless youth centers.

[(c) In selecting among applicants for grants under subsection (a), the Secretary shall give priority to applicants who provide services directly to runaway and homeless youth.]

APPROVAL BY SECRETARY

SEC. [316.] *313.* An application by a State, locality, or private entity for a grant under [section 311(a)] *subsection (a), (c), or (d) of section 311* may be approved by the Secretary only if it is consistent with the applicable provisions of [section 311(a)] *such subsection* and meets the requirements set forth in section 312. Priority shall be given to grants smaller than [$150,000] *$200,000*. In considering grant applications under section 311(a), priority shall be given to organizations which have a demonstrated experience in the provision of service to runaway and homeless youth and their families.

GRANTS TO PRIVATE ENTITIES; STAFFING

SEC. [317.] *314.* Nothing in this [part] *title* shall be construed to deny grants to private entities which are fully controlled by private boards or persons but which in other respects meet the requirements of this [part] *title* and agree to be legally responsible for the operation of the runaway and homeless youth center *and the programs, projects, and activities they carry out under this title*. Nothing in this [part] *title* shall give the Federal Government

control over the staffing and personnel decisions of facilities receiving Federal funds *under this title.*

PART B—TRANSITIONAL LIVING GRANT PROGRAM

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SEC. 322. (a) To be eligible for assistance under this part, an applicant shall propose to establish, strengthen, or fund a transitional living youth project for homeless youth and shall submit to the Secretary a plan in which such applicant agrees, as part of such project—

(1) * * *

* * * * * * *

(8) to provide for the establishment of outreach programs designed to attract individuals *(including individuals who are members of a cultural minority and individuals who have limited-English speaking ability)* who are eligible to participate in the project;

* * * * * * *

(13) not to disclose records maintained on individual homeless youth without the [consent of the individual youth and parent or legal guardian] *informed consent of the individual youth* to anyone other than an agency compiling statistical records [or a government agency involved in the disposition of criminal charges against youth]; and

* * * * * * *

PART C—NATIONAL COMMUNICATIONS SYSTEM

AUTHORITY TO MAKE GRANTS

SEC. 331. With funds reserved under section 385(a)(3), the Secretary shall make grants for a national communication system to assist runaway and homeless youth in communicating with their families and with service providers. The Secretary shall give priority to grant applicants that have experience in providing telephone services to runaway and homeless youth.

PART D—COORDINATING, TRAINING, RESEARCH, AND OTHER ACTIVITIES

COORDINATION

SEC. 341. With respect to matters relating to the health, education, employment, and housing of runaway and homeless youth, the Secretary shall coordinate the activities of agencies of the Department of Health and Human Services with the activities of other Federal entities and with the activities of entities that are eligible to receive grants under this title.

GRANTS FOR TECHNICAL ASSISTANCE AND TRAINING

SEC. 342. The Secretary may make grants to statewide and regional nonprofit organizations (and combinations of such organizations) to provide technical assistance and training to public and private

entities (and combinations of such entities) that are eligible to receive grants under this title, for the purpose of carrying out the programs, projects, or activities for which such grants are made.

AUTHORITY TO MAKE GRANTS FOR RESEARCH, DEMONSTRATION, AND SERVICE PROJECTS

SEC. 343. (a) The Secretary may make grants to States, localities, and private entities (and combinations of such entities) to carry out research, demonstration, and service projects designed to increase knowledge concerning, and to improve services for, runaway youth and homeless youth.

(b) In selecting among applications for grants under subsection (a), the Secretary shall give special consideration to proposed projects relating to—

(1) juveniles who repeatedly leave and remain away from their homes without parental permission;

(2) home-based and street based services for, and outreach to, runaway youth and homeless youth;

(3) transportation of runaway youth and homeless youth in connection with services authorized to be provided under this title;

(4) the special needs of runaway youth and homeless youth programs in rural areas;

(5) the special needs of programs that place runaway youth and homeless youth in host family homes;

(6) the special needs of programs for runaway and homeless youth who are sexually abused;

(7) innovative methods of developing resources that enhance the establishment or operation of runaway and homeless youth centers.

(8) training for runaway youth and homeless youth, and staff training, related to preventing and obtaining treatment for infection by the human immunodeficiency virus (HIV);

(9) staff training to recognize and respond to emotional and behavioral effects of sexual abuse experienced by youth, and agency-wide strategies for responding to youth who may have been sexually abused;

(10) increasing access to health care (including mental health care) for runaway youth and homeless youth; and

(11) increasing access to education for runaway youth and homeless youth.

(c) In selecting among applicants for grants under subsection (a), the Secretary shall give priority to applicants who have experience working with runaway youth or homeless youth.

TEMPORARY DEMONSTRATION PROJECTS TO PROVIDE SERVICES TO YOUTH IN RURAL AREAS

SEC. 344. (a)(1) With funds appropriated under section 385(c), the Secretary may make grants on a competitive basis to States, localities, and private entities (and combinations of such entities) to provide services (including transportation) authorized to be provided under part A, to runaway and homeless youth in rural areas.

(2)(A) Each grant made under paragraph (1) may not exceed $100,000.

(B) In each fiscal year for which funds are appropriated to carry out this section, grants shall be made under paragraph (1) to eligible applicants carry out projects in not fewer than 10 States.

(C) Not more than 2 grants may be made under paragraph (1) in each fiscal year to carry out projects in a particular State.

(3) Each eligible applicant that receives a grant for a fiscal year to carry out a project under this section shall have priority to receive a grant for the subsequent fiscal year to carry out a project under this section.

(b) To be eligible to receive a grant under subsection (a), an applicant shall—

(1) submit to the Secretary an application in such form and containing such information and assurances as the Secretary may require by rule; and

(2) propose to carry out such project in a geographical area that—

(A) has a population under 20,000;

(B) is located outside a Standard Metropolitan Statistical Area; and

(C) agree to provide to the Secretary an annual report identifying—

(i) the number of runaway and homeless youth who receive services under the project carried out by the applicant;

(ii) the types of services authorized under part A that were needed by, but not provided to, such youth in the geographical area served by the project;

(iii) the reasons the services identified under clause (ii) were not provided by the project; and

(iv) such other information as the Secretary may require.

PART [C] *E*—GENERAL PROVISIONS

ASSISTANCE TO POTENTIAL GRANTEES

SEC. [341.] *371.* The Secretary shall provide informational assistance to potential grantees interested in establishing runaway and homeless youth centers and transitional living youth projects. Such assistance shall consist of information on—

(1) * * *

* * * * * * *

LEASE OF SURPLUS FEDERAL FACILITIES FOR USE AS RUNAWAY AND HOMELESS YOUTH CENTERS OR AS TRANSITIONAL LIVING YOUTH SHELTER FACILITIES

SEC. [342.] *372.* (a) The Secretary may enter into cooperative lease arrangements with States, localities, and nonprofit private agencies to provide for the use of appropriate surplus Federal facilities transferred by the General Services Administration to the Department of Health and Human Services for use as runaway and

homeless youth centers or as transitional living youth shelter facilities if the Secretary determines that—

(1) * * *

* * * * * * *

PART [D] *F*—ADMINISTRATIVE PROVISIONS

REPORTS

SEC. [361.] *381.* (a) Not later than 180 days after the end of each fiscal year, the Secretary shall submit a report to the Committee on Education and Labor of the House of Representatives and the Committee on the Judiciary of the Senate on the status and accomplishments of the [runaway and homeless youth centers which are funded under part A] *programs, projects, and activities carried out under this title (other than part B)*, with particular attention to—

(1) * * *

* * * * * * *

(c) The Secretary shall include in each report required by this section a summary of the results of Federal evaluation of the programs, projects, and activities carried out under this title, and a description of the training provided to the individuals who carry out such evaluation. As part of such evaluation, the Secretary shall require such individuals to visit each grantee on-site not less frequently than at 3-year intervals.

FEDERAL SHARE

SEC. [362.] *382.* (a) The Federal share for the renovation of existing structures, the provision of counseling services, staff training, and the general costs of operations of such facility's budget for any fiscal year shall be 90 per centum. The non-Federal share may be in cash or in kind, fairly evaluated by the Secretary including plant, equipment, or services.

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RECORDS

SEC. [363.] *383.* Records containing the identity of individual youth pursuant to this [Act] *title* may under no circumstances be disclosed or transferred to any individual or to any public or private agency.

ANNUAL PROGRAM PRIORITIES

SEC. [364.] *384.* (a) The Secretary shall develop for each fiscal year, and publish annually in the Federal Register for public comment a proposed plan specifying the subject priorities the Secretary will follow in making grants under this title for such fiscal year.

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*9*COORDINATION WITH ACTIVITIES

*9*SEC. 365. With respect to matters relating to communicable diseases, the Secretary shall coordinate the activities of health agen-

cies in the Department of Health and Human Services with the activities of the entities that are eligible to receive grants under this title.]

AUTHORIZATION OF APPROPRIATIONS

SEC. [366.] *385.* (a)[(1) To carry out the purposes of part A of this title there are authorized to be appropriated such sums as may be necessary for fiscal years 1989, 1990, 1991, and 1992.] *(1) There are authorized to carry out this title (other than part B and section 344) $75,000,000 for fiscal year 1993 and such sums as may be necessary for fiscal years 1994, 1995, and 1996.*

* * * * * * *

(3) After making the allocation required by paragraph (2), the Secretary shall reserve —

(A) for fiscal year 1993 not less than $912,500, of which $125,000 shall be available for the acquisition of communications equipment;

(B) for fiscal year 1994 not less than $826,900;

(C) for fiscal year 1995 not less than $868,300; and

(D) for fiscal year 1996 not less than $911,700;

to carry out section 331.

(b)[(1) Subject to paragraph (2), to carry out the purposes of part B of this title, there are authorized to be appropriated $5,000,000 for fiscal year 1989 and such sums as may be necessary for each of the fiscal years 1990, 1991, and 1992.] *(1) Subject to paragraph (2), there are authorized to be appropriated to carry out B $25,000,000 for fiscal year 1993 and such sums as may be necessary for fiscal years 1994, 1995, and 1996.*

* * * * * * *

(c) There is authorized to be appropriated $1,000,000 for each of the fiscal years 1993, 1994, 1995, and 1996 to carry out section 344.

[(c)] *(d)* The Secretary (through the Office of Youth Development which shall administer this title) shall consult with the Attorney General (through the Administrator of the Office of Juvenile Justice and Delinquency Prevention) for the purpose of cordinating the development and implementation of programs and activities funded under this title with those related programs and activities funded under title II of this Act and under the Omnibus Crime Control and Safe Streets Act of 1968, as amended.

[(d)] *(e)* No funds appropriated to carry out the purposes of this title—

(1) may be used for any program or activity which is not specifically authorized by this title; or

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SECTION 407 OF THE MISSING CHILDREN'S ASSISTANCE ACT

AUTHORIZATION OF APPROPRIATIONS

SEC. 407. To carry out the provisions of this title, there are authorized to be appropriated such sums as may be necessary for

fiscal years [1989, 1990, 1991, and 1992] *1993, 1994, 1995, and 1996.*

SECTION 107 OF THE CHILD ABUSE PREVENTION AND TREATMENT ACT

SEC. 107. GRANTS TO STATES FOR CHILD ABUSE AND NEGLECT PREVENTION AND TREATMENT PROGRAMS.

(a) * * *

(b) ELIGIBILITY REQUIREMENTS.—In order for a State to qualify for a grant under subsection (a), such State shall—

(1) * * *

* * * * * * *

[(4) provide for methods to preserve the confidentiality of all records in order to protect the rights of the child and of the child's parents or guardians;]

(4) with respect to information received by the State regarding an allegation of child abuse or neglect, establish such authorities and procedures under paragraphs (1) through (3) for the disclosure of the information within and among agencies of the State, and to other entities, as may be necessary—

(A) to efficiently carry out the duties of the State under paragraph (2) regarding protection of the child involved; and

(B) to ensure that disclosures of the identity of the subject of a substantiated allegation are made only to the extent appropriate for purposes of such protection;

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H.Rept. 102-756 (96)